

European Anti-Fraud Office (OLAF)

Management Plan 2012

TABLE OF CONTENTS

Part 1. Mission statement

Part 2. This year's challenges

Part 3. General objectives for policy area “fight against fraud”

Part 4. Specific objectives for “fight against fraud”

- **Investigative and coordination activities**
- **Investigation support**
- **Fraud prevention and anti-fraud policy**

Part 5. Specific objectives for horizontal activities

Annex. Investigation Policy Priorities

Part 1. Mission statement

The mission of the European Anti-Fraud Office (OLAF¹) is threefold:

- it protects the financial interests of the European Union by combating fraud, corruption and any other illegal activities;
- it protects the reputation of the European Institutions by investigating serious misconduct by their Members and staff that could result in disciplinary or criminal proceedings;
- it supports the European Commission in the development and implementation of fraud prevention and detection policies.

By performing its mission as effectively as possible OLAF contributes to the efforts made by the EU Institutions to guarantee that the best use is made of taxpayers' money.

¹ "OLAF" is the acronym of its title in French, *Office européen de Lutte Antifraude*

Part 2. This year's challenges

Personal message from Giovanni Kessler

Director-General of OLAF

After taking office as Director-General in February 2011, I launched an internal review of the working procedures and organisation of OLAF. This review revealed room for improvement and obstacles to the performance of the Office in a number of areas. 2011 was a year of analysis and preparation. 2012 will be the year of implementation when these obstacles will be removed. The new organisation of OLAF and our new investigative procedures will take effect on 1 February. The Office's key challenge for 2012 will be to take full advantage of the changes and to reach full cruising speed.

By changing our working practices and aligning OLAF's highly capable and committed staff with our key objectives, we are addressing longstanding concerns raised by the European Parliament², the Council and the Court of Auditors³, notably regarding the efficiency of our investigations. Without pre-empting the results of the legislative reform of the Office⁴, OLAF's new investigative procedures and organisation will enable us to fulfil our mission more efficiently.

The Commission faces budgetary constraints. Now more than ever there is a need to prioritise and to focus on core activities. For OLAF this means reducing the number of staff employed on horizontal and overhead activities and increasing considerably the number of staff employed on investigations. It also means re-focusing our efforts in the area of anti-fraud policy to enhance the support we offer other Commission services, EU agencies and Member States authorities in the area of fraud prevention and detection.

Reinforcing the investigative function

A new Investigation Selection and Review Unit will advise me directly on the selection of cases for the opening of investigations. Information that reaches the Office with allegations of fraud will be treated more quickly and in a consistent manner. The selection of cases will be in line with clear priorities. Investigators will be relieved from the function of assessing incoming information and will therefore be able to spend more time on core investigative activities. The selection phase should not exceed two months. The new unit will also advise me, particularly with respect to matters of legality, before major investigative acts are undertaken and before the closing of investigations. Quality control and the protection of fundamental rights and procedural guarantees will therefore be reinforced.

In addition, the procedures for investigations will be simplified. The existing case classification system provides for five categories of cases each with their own specific rules and procedures. The number of categories of cases will be reduced to two only -

² Working document on European Court of Auditors' Special Report No 2/2011 on the follow-up of Special Report No 1/2005 concerning the management of the European Anti-Fraud Office (5th May 2011 ; PE464.791v01-00)

³ Special Report No. 2/2011 "Follow-up of Special report No 1/2005 concerning the management of the European Anti-fraud Office" and Council conclusions of 27-28th October 2011 (reference: 15274/11)

⁴ COM(2011) 135 final of 17th March 2011

investigations and coordination cases. This will considerably simplify investigation procedures and avoid uncertainties and inconsistencies.

Finally, the monitoring of the implementation of OLAF's recommendations to the EU institutions and Member States, and the support we provide them in implementing such recommendations, will be carried out by the investigative units. Some staff members with judicial expertise will be placed in the investigative units. This should result in earlier cooperation with national judicial authorities during investigations, better judicial outcomes as a result of OLAF's recommendations, and a higher level of attention to legal issues during investigations. Overall, these changes will make better use of OLAF's resources and shorten the duration of investigations.

A more proactive contribution by OLAF to anti-fraud policies

In 2012, OLAF will devote significant resources to the implementation of the Commission's Anti-Fraud Strategy⁵. A number of Commission services will be stepping up their efforts in the fight against fraud, for example by developing their own dedicated anti-fraud policies. OLAF supports these Commission-wide efforts, not least through the recently launched Fraud Prevention and Detection Network and through its dedicated website.

During 2012, OLAF will also be preparing new legislative proposals concerning improvements to criminal and administrative procedures, the development of the substantive criminal law framework and the enhancement of the institutional framework in the area of the protection of the EU financial interests. These proposals are included in the Commission's Work Programme for 2012.

OLAF also intends to enhance cooperation with Member States, not least through the organisation of joint customs operations. In our reporting on the protection of the financial interests of the EU, we wish gradually to move away from a narrow focus on the reported rates of fraud and irregularities towards more balanced reporting that reflects also the efforts and ambitions of Member States to tackle the problem of fraud and to cooperate with OLAF, other Commission services and each other.

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The activities of OLAF are more important than ever in times of economic crisis. The Office will therefore increase its efforts to protect the financial interests of the European Union and draw public attention to the commitment of the EU institutions to fight fraud and corruption. The present Management Plan is a reflection of our high level of ambition. I am confident that OLAF will continue to demonstrate its unique competence in 2012 and in the years to come.

16 December 2011

⁵ COM(2011) 376 final of 24th June 2011

Part 3. General objectives for policy area “fight against fraud”

The importance of gaining and maintaining public trust in the European Union's (EU's) capacity to protect taxpayers' money from fraudsters cannot be overstated, particularly in the present context of budgetary stringency. The Treaty⁶ reflects public concern about the protection of the EU's financial interests by providing for the principle of effective and equivalent protection across the Member States and the EU Institutions, bodies, offices and agencies.

The concept of the protection of the financial interests of the EU covers the prevention, detection and investigation of fraud against the EU budget and can extend also to measures to address other serious irregularities.

OLAF is above all an investigation service which contributes to the effective, proportionate and dissuasive character of the measures against fraud and corruption thereby contributing to the preservation of the reputation of the EU institutions and trust in the European project. OLAF also coordinates cooperation between Member States' competent authorities.

OLAF action to protect the financial interests covers the entire expenditure side of the budget. On the revenue side of the budget, OLAF's actions mainly relate to traditional own resources (mainly customs duties). Protection of EU funds goes hand-in-hand with the protection of national funds. On the revenue side of the budget, action to fight smuggling equally benefits the EU and Member States because it protects (national) excise revenue as well as (EU) customs duty. General improvements in ethical standards, reduced corruption and better administration benefit public finance at all levels.

OLAF also plays a prominent role in assisting the Commission services in the implementation of the Anti-Fraud Strategy adopted on 24th June 2011. This Strategy aims at updating and modernising the way fraud against the EU budget is tackled within the Commission with the view to ensuring that the EU budget is managed in line with the principles of sound financial management, including the prevention of, and fight against, fraud.

⁶ Article 325, Treaty on the Functioning of the European Union

General objective: To protect the financial interests of the EU and the reputation of its institutions by combating fraud, corruption and any other illegal activities, ensuring that the best use is made of taxpayers' money with the help of:

1) Investigations and coordination actions

<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Number of investigations ⁷ and coordination cases that have led to recommendations for post-investigative action	2011: 108 investigations and other cases have led to post-investigative action	More than 100
Amount of recoveries ⁸ in mid-term perspective (as 3 years' moving average)	2011 8.6 : 1 2010 0.87 : 1 2009 3.2 : 1 3 years' average 4.3 : 1	A ratio of 2:1 or above between recoveries as a result of OLAF's investigations and OLAF's administrative and operational budget

Main output in 2012

- New investigative procedures implemented aimed at streamlining and accelerating OLAF investigations

2) Contributions to the development of anti-fraud policies

<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Strengthening anti-fraud measures in accordance with the Commission's Work Programme (CWP) 2012 and the Commission's Anti-Fraud Strategy (CAFS)	CWP 2011: Commission Communication on the protection of the financial interests of the European Union by criminal law and by administrative investigations ⁹ and proposals in the Multiannual Financial Framework (MFF) 2014-2020 package (Pericles and Hercule III ¹⁰) CAFS: Standard anti-fraud clauses have been included in the legislative proposals in the context of the MFF	100% of planned output delivered

Main output in 2012

- Related to CWP: - Timely preparation of the three 2012 legislative initiatives related to the protection of the Union's financial interests: see Specific Objective 5.a
 - Related to CAFS: Timely implementation of the CAFS objectives by achieving the relevant 2012 actions; see Specific Objective 5.b

⁷ During 2011, 208 investigations and other cases were closed

⁸ OLAF applies this as a general indicator to measure the value-added of anti-fraud action; however, OLAF itself has no recovery powers

⁹ COM(2011) 293 final of 26/05/2011

¹⁰ COM(2011) 914 final of 19/12/2011 and COM(2011) 910 final of 19/12/2011

Part 4. Specific objectives for “fight against fraud”

4.1.a Investigative and coordination activities

This section sets objectives, indicators and targets for the selection of cases to be opened by OLAF, the conduct of investigations and coordination activities, as well as the implementation of recommendations issued by OLAF as a result of its investigative and coordination activities.

Before opening an investigation, OLAF assesses if the case falls within its competence and establishes the necessary level of suspicion. The decision to open an investigation or not is based on the Investigation Policy Priorities (IPPs) of the Office.

There are five IPPs: (1) proportionality, (2) efficient use of investigative resources, (3) subsidiarity/added value, (4) special policy objectives and (5) financial impact.

For any opening decision, they are all taken into consideration, but none of them is a *conditio sine qua non*.

The IPPs’ special policy objectives are determined on the basis of a risk assessment (based also on information from Member States) and taking into account requests from the European Institutions.

OLAF’s IPPs for 2012 are annexed to the present management plan.

SPECIFIC OBJECTIVE 1. Ensure the effective implementation of the Investigation Policy Priorities for 2012		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Percentage of investigations opened in line with the investigation policy priorities	New indicator	More than 95 %
<i>Main output in 2012</i>		
- Full implementation of the investigation policy priorities (see also the annex)		

SPECIFIC OBJECTIVE 2. Further improve the efficiency and effectiveness of OLAF’s investigations and coordination actions		
1) Speed up the initial assessment of whether a case should be opened		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Average duration of selection phase ¹¹	2011: 8 months (7 % of the evaluations were completed within 2 months)	2 months in at least 85 % of the cases
<i>Main output in 2012</i>		
- New system for the opening of investigations and coordination cases (in place in February 2012)		

¹¹ Including both the items that resulted in an investigation or coordination case and those that did not.

2) Keep the clearance rate close to 1		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Clearance rate (number of cases opened/number of cases closed)	2011: 0.86 (178/208)	Close to 1
<i>Main output in 2012</i>		
- Careful monitoring with the help of monthly management statistics		

3) Reduce the duration of investigations and coordination cases		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Duration of investigations and coordination cases ¹²	2011: 22.8	2012: 22 months 2013: 21 months 2014: 20 months
<i>Main output in 2012</i>		
- Careful monitoring with the help of monthly management statistics		

4) Monitor the effective implementation of recommendations following the closure of cases		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Annual Target</i>
Number of recommendations implemented with results ¹³ (including results of financial, judicial, as well as disciplinary and administrative action)	New indicator	Results with regard to at least 60 recommendations
<i>Main output in 2012</i>		
- Careful monitoring with the help of monthly management statistics		

4.1.b Investigation support

As of 1st February 2012, a Directorate within OLAF will provide specialised services to OLAF's investigation and coordination activities. Within this Directorate, one unit will monitor the efficiency, effectiveness and quality of the investigative process and support it with the necessary tools. Data-gathering, risk-based auditing, as well as other relevant tools and related technical assistance to OLAF investigative units and competent authorities in the Member States will be provided from within this Directorate. The remaining units will be responsible for legal advice, training and communication linked to the investigations.

SPECIFIC OBJECTIVE 3: Provide the necessary tools and training to support OLAF's investigative activities

¹² Including cases closed during the reporting period and those still open at the end of the reporting period, not including the selection phase

¹³ OLAF applies this as a general indicator to measure the value-added of anti-fraud action; however, OLAF itself has no recovery competence

3.a Provide Operational Support		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Number of OLAF investigations opened, following up on information collated within OLAF	2011: 2	Increase the number of investigations opened, following up on information collated within OLAF
3.b Supply Information and Communication Technology (IT) tools		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Implementation of the internal user-oriented priorities identified in the IT Masterplan	The main achievement was the introduction of a new document management system (THOR) that offers many new features compared to the previous (Adonis) system.	100% implementation of related IT activities for 2012
Internal users' degree of satisfaction with IT systems and services	New indicator	Increase user satisfaction by 10 % by 2013 (compared to 2012)
3.c Conduct sufficient training for investigative staff to familiarise themselves with the new working procedures and to maintain a high standard of corporate knowledge		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Percentage of OLAF investigators trained on new investigative procedures	New indicator	98 % by 1 st February 2012
Percentage of investigators trained in targeted workshops on specific investigative activities	New indicator	90 % in 2012
Number of investigators that have participated in training sessions tailored to the requirements of fraud investigations	2011: 8 training sessions (on interviewing techniques, report-writing skills, gathering of evidence, and on-the-spot checks) for 60 investigators	At least 55 investigators trained in specialised sessions, according to their individual needs
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Upgrade of text-mining capabilities (IT) in OLAF (by the end of the 1st quarter of 2012) - Survey to measure internal users' degree of satisfaction with IT systems and services - Training sessions on new investigative procedures - Specialised training sessions, including on post-investigative activities - Handbooks on both interviewing techniques and on clear writing to be drawn up with the help of external contractors 		

SPECIFIC OBJECTIVE 4: Enhance the quality and effectiveness of the operational activities

4.a Provide quality legal advice to investigators and national authorities		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Legal advice provided within the specified deadline	New indicator	At least 90 % responses within <u>agreed</u> deadlines
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Capacity built up for advice on national law (notably by establishing an internal (OLAF) network, compiling relevant databases and developing relevant external contacts). - An effective system of setting up deadlines for case-related legal advice. 		
4.b Provide expertise concerning requests and complaints related to investigative activities		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Timely replies to complaints (Art. 90 Staff Regulations complaints and other complaints)	2011: 100% of replies sent within the set deadlines (7 complaints)	100% responses within the <u>regulatory</u> deadlines
Timely replies to requests from data subjects concerning data protection	2011: 100 % of replies sent within the set deadlines (17 new requests received; 2 are still ongoing).	100 % responses within the <u>regulatory</u> deadlines
Timely replies to complaints to the European Data Protection Supervisor	2011: 100 % of replies sent within the agreed deadlines (2 new cases received in addition to 3 ongoing cases)	At least 90% responses within the deadlines <u>set by or agreed with the EDPS</u>
Timely replies to requests for access to documents under Regulation 1049/2001	70% of replies sent within the deadlines set by Regulation 1049/2001	100% responses within the <u>regulatory</u> time limit
Timely replies to complaints to the Ombudsman	2011: 100% of responses were sent within the agreed deadlines. (14 new cases received ¹⁴ in addition to 17 ongoing cases)	At least 90% responses within the deadlines <u>set by or agreed with the Ombudsman</u>
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - IT-based centralised, internal monitoring system of pending requests (concerning access to documents, data protection, legal advice, pending court cases, complaints to Ombudsman, complaints under Art. 90 Staff Regulations and other complaints). 		

¹⁴ With OLAF as lead service

4.2. Fraud prevention and anti-fraud policy

OLAF deals with all phases of fraud prevention and detection, from the conception of policy, the implementation of existing and new policies, to the reporting on its progress and effectiveness. As of 1st February 2012, colleagues in a single Directorate will prepare new legislation, work with other Commission services to implement an anti-fraud strategy, build contacts with the competent authorities in the EU Member States as well as with counterparts outside the European Union, to support OLAF's investigations and anti-fraud efforts. OLAF's operational budget provides the financial resources necessary for the operation of three programmes: Hercule II, Pericles and the Anti-Fraud Information System (AFIS). In addition to these programmes, a pilot project aims to establish criteria to measure the impact of corruption on public procurement involving EU cohesion policy funds.

SPECIFIC OBJECTIVE 5. Prevent, deter and combat fraud and corruption		
5.a Develop anti-fraud policy and legislation		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Delivery of planned output provided for in the Commission's Work Programme (CWP) 2012	Commission Communication on the protection of the financial interests of the European Union by criminal law and by administrative investigations ¹⁵ and proposals in the Multiannual Financial Framework (MFF) 2014-2020 package (Pericles and Hercule III ¹⁶)	Timely preparation of proposals for adoption by the Commission in 2012
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Legislative proposal on the protection of the financial interests of the European Union, including by criminal law (CWP: 3rd quarter of 2012) - Legislative proposal reinforcing the protection of the euro against counterfeiting with criminal law sanctions (CWP: 3rd quarter of 2012) - Legislative proposal on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (CWP: 4th quarter of 2012) 		

5.b Enhance prevention of fraud against EU's financial interests

¹⁵ COM(2011) 293 final of 26/05/2011

¹⁶ COM(2011) 914 final of 19/12/2011 and COM(2011) 910 final of 19/12/2011

<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Delivery of planned output in the implementation of the Commission's Anti-Fraud Strategy (CAFS)	2011: 100% delivery (Standard anti-fraud clause has been included in the legislative proposals adopted in the context of the MFF; dedicated fraud prevention section has been set up on OLAF's intranet site; Fraud Prevention and Detection Network (FPDnet) met twice in 2011).	100% of actions scheduled for 2012 implemented
Percentage of illicit trade in cigarettes as share of total consumption in the EU as a whole	2010: 10 % ¹⁷	Decrease by as much as possible
Main output in 2012		
<ul style="list-style-type: none"> - Methodology and guidance (including a template) for DGs' anti-fraud strategies (by June 2012) - Contribution to the development of an anti-fraud strategy in the DGs (shared management) (by end 2012) - Revised joint fraud prevention strategy (JFPS) for structural actions and for agriculture, to be adopted at service level by DGs REGIO, AGRI EMPL and MARE in cooperation with OLAF - Set up dedicated fraud prevention section on MyIntracomm, the Commission's intranet website (by end 2012) - Four meetings of the FPDnet - At least 5 meetings of the Advisory Committee for the Coordination of Fraud Prevention (COCOLAF) and its subgroups (on irregularities, statistics and mutual assistance) 		
5.c Reduce fraud against the EU's financial interests at the EU's Eastern border		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Delivery of actions included in the Action Plan to Fight Against Smuggling of Cigarettes and Alcohol along the EU's Eastern Border for 2012	2011: Almost all actions foreseen were implemented including the most significant ones (e.g.: JCO Fireblade took place; Operational conference in Bucharest in June 2011; OLAF liaison officer posted in Kiev)	Actions scheduled for 2012 implemented
Percentage of illicit trade in cigarettes as share of total consumption in Eastern Boarder EU-Member States ¹⁸	2010: More than twice as much in countries along the Eastern border as in EU as a whole: 21 % vs. 10 % ¹⁹	Decrease by as much as possible
Main output in 2012		
<ul style="list-style-type: none"> - Targeted operational actions - Negotiations of taxation and customs provisions with Armenia, Azerbaijan and Georgia - 17th Annual Task Group Cigarettes Conference with special focus on the Eastern Border (October 2012) 		
5.d Improve cooperation with stakeholders		

¹⁷ KPMG, Project Star, Report 2010

¹⁸ Bulgaria, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia.

¹⁹ Source : KPMG Project Star

<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Number of Administrative Cooperation Agreements (ACAs) concluded with relevant Member State authorities	A new template was developed in 2011. As the policy was under review, no new ACAs were concluded in 2011.	Finalise at least 3, make progress on 3, in 2012
Percentage of requests for support from Member States answered on irregularity reporting (published as a statistical annex to the Art 325 annual report)	2011: 100% requests answered	100% of requests from MSs answered
Percentage of Member State contributions quality-checked	2011: 100% of contributions checked	100% of contributions quality-checked
Fraud-related provisions in EU agreements/regimes with third countries (<u>EU expenditure</u> fraud: financial cooperation provisions; <u>Customs</u> : mutual administrative assistance and "temporary withdrawal of preferences")	2011: <u>EU expenditure</u> : Conclusions of negotiations of financial cooperation chapters of the EU-Ukraine and EU-Moldova Association Agreements. <u>Customs</u> : MAA ²⁰ Protocol and customs anti-fraud clause in DCFTA ²¹ with Ukraine and in the EPA ²² with West Africa	In 100% of new EU agreements / regimes with third countries
Number of high-level events to foster operational cooperation and capacity-building in countries that are beneficiaries of EU assistance	2011: Annual meeting of the Pilot Group (African Partners) in April 2011	At least 2 events organised by OLAF for countries that are beneficiaries of EU assistance
Number of Administrative Cooperation Agreements (ACAs) concluded with relevant third country authorities and international organisations	2011: Signature of an Administrative Cooperation Arrangement with the World Bank.	Finalise 3 in 2012 Launch negotiations with 4 partners in 2012
Meetings with Anti-Fraud Coordination Service (AFCOS) networks of countries in the enlargement process	2011: 4 bilateral meetings and 1 AFCOS conference	5 bilateral meetings and 1 AFCOS conference
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - 2 meetings of the group "irregularities and mutual assistance/agriculture products" regulation (EC) 1848/06 and (EC) 515/97 - Conclusion of Administrative Cooperation Agreements with Kazakh authorities and Ukrainian Customs, UNDP, Council of Europe, World Bank - Information exchange with the World Bank and other international organisations - Negotiations on anti-fraud provisions in EU-Armenia, -Azerbaijan, -Georgia Agreements - Negotiations on anti-fraud provisions into new Overseas Countries and Territories and European Economic Area regimes, and in Free Trade Areas with Egypt, Jordan, Morocco and Tunisia 		

²⁰ Mutual Administrative Assistance

²¹ Deep and Comprehensive Free Trade Agreement

²² Economic Partnership Agreement

5.e Conduct/support joint operations and engage in mutual administrative assistance		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Number of Joint Customs Operations (JCOs) led or supported by OLAF	JCOs in 2011: - 2 JCOs - 2 regional virtual JCOs (OLAF provided logistical and operational support)	Organise and/or support: - 1 JCO - 2 regional virtual JCOs
Implementation of the external user-oriented priorities identified in the IT Masterplan, in particular, use of the Anti-Fraud Information System (AFIS) to provide high-quality information exchange tools (IT):	See 2011 achievements in the IT Masterplan	Implementation of related IT activities for 2012
Number of Member States correctly using the Irregularities Management System (IMS) for electronic communication	Implementation of a new IMS module in 2011	All Member States to use the new system correctly
Data available to the Member States via the Anti-Fraud Transit Information System (ATIS) for monitoring sensitive goods	ATIS currently tracks 2.5 million shipments per year	ATIS to track 11 million shipments per year (covering 60% of the total EU shipments in transit ²³)
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Impact assessment for the reform of regulation 515/97 and Council Decision 917/2009, including AFIS - Annual report to Council, to EDPS and to Joint Custom supervisory authority on the functioning of AFIS - 3 Mutual Administrative Assistance Committees in the customs area to support policy development 		

5.f Develop an EU Evaluation Mechanism in the area of Anti-Corruption with a particular focus on identifying and reducing the costs of corruption in Public Procurement involving EU Funds: a pilot project		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Pilot project concluded with criteria established to measure impact of corruption on public procurement involving EU- Cohesion policy funds	New indicator	Timely finalisation by end 2012
<i>Main output in 2012</i>		
- Study, including final report		

²³ Transit shipments constitute 10% of the total commercial flow.

5.g Provide the support necessary for partners to tackle fraud and corruption effectively and equivalently, in particular, through financing programme Hercule II		
• Manage Hercule II Programme: prevention of, and fight against, fraud		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
<p>Technical assistance offered to national authorities in order to facilitate transnational cooperation and cooperation with OLAF:</p> <p>Number of Member States to participate in the programme for the first time</p>	<p>Law Enforcement Agencies from 14 Member States were supported in 2011.</p>	<p>Law Enforcement Agencies from 4 additional Member States to participate</p>
<p>Training events, seminars and conferences supported by grants²⁴ :</p> <p>Number of Member States from which applications are submitted</p> <p>Number of participants reached</p>	<p>2011: 9 projects by eligible bodies have been selected.</p> <p>The 9 projects originate from 7 different Member States.</p> <p>A total of 3,369 participants attended the 16 events co-financed by the 2010 call²⁵.</p>	<p>Implementation of the 9 projects selected for co-financing in 2011²⁶</p> <p>Applications submitted from at least 13 Member States for 2012 calls</p> <p>800 participants expected to attend co-financed events in 2012.</p>
<p>Cooperation with lawyers and other stakeholders in the context of the Network of European Lawyers' Associations (ELA):</p> <p>Number of conferences/seminars</p> <p>Number of publications</p> <p>Number of comparative law studies</p>	<p>Under the 2010 budget:</p> <p>4 conferences were held in the first part of 2011 (with around 700 participants), as well as one ELA meeting.</p> <p>2 publications</p> <p>1 comparative law study</p>	<p>6 conferences / seminars with 400 participants</p> <p>2 scholarly anti-fraud publications</p> <p>2 comparative criminal law studies on the protection of EU financial interests</p>
<p>Procurement of access to external databases to support the investigations of OLAF and the Member States:</p> <p>Number of procured databases</p>	<p>2011: 9 databases provided;</p>	<p>Procure 8 relevant databases:</p>

²⁴ maximum 80% co-financed by OLAF

²⁵ Between 1st June 2010 and 31st May 2011

²⁶ To be implemented between 1st September 2011 and August 2012

Number of contracts concluded on time	100% of contracts on time, (for one database, the procurement procedure was still ongoing at the completion of the MP).	renew existing databases and acquire new databases depending on information needs. 100% of contracts concluded on time
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Hercule II financing decision for 2012 (to be adopted by the College early 2012) - Strategy prepared by OLAF on the implementation of HERCULE II following consultation of Member States and other stakeholders (end of 2012) - Hercule III proposal adopted by the Commission as part of MFF package (anticipated in December 2011; to be negotiated by the co-legislators during 2012) 		

5.h Provide the support necessary for partners to protect the euro effectively and similarly, in particular, through the Pericles financing programme		
• Protect the euro against counterfeiting		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Degree of classification of euro coins and communication to Coin National Analysis Centres (CNACs)	100%	100% classified and communicated to the CNACs in 2012
• Manage Pericles programme: training, exchange and assistance for the protection of the euro against counterfeiting		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Degree of commitment of the budget	100 %	Over 80%
Number of projects financed	15 projects financed in 2011	At least 12 projects
Number of actions in high-risk areas	5 in 2011	Launch 6 actions in high-risk areas
Percentage of stakeholders filling in the evaluation form	95% in 2011	At least 70% of stakeholders fill in the evaluation form
Degree of satisfaction measured by evaluation forms	90% in 2011	At least 70% of participants expressing “good” and above judgments
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - Proposal for a Directive on the protection of the Euro against counterfeiting with criminal sanctions (CWP item) - Annual Report on the protection of Euro coins 2011 (May 2012) - 3 Euro Counterfeiting Experts Group (ECEG) meetings - 4 Counterfeit Coin Experts Group (CCEG)/European Technical and Scientific Centre (ETSC) work team meetings - Annual update of the Pericles Strategy Paper (before end of 2012) 		

Part 5. Specific objectives for horizontal activities

Internal and external communication

OBJECTIVE: Enhance awareness and understanding of OLAF's role in fighting fraud and corruption, through establishing an effective external and internal communication strategy		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
<u>Steady information to OLAF staff :</u>	2011:	
Number of events	4 events	4 events
Number of articles on Intranet	385 articles	at least 1 article per day
Number of weekly newsflashes	40 weekly newsflashes were published	50 weekly newsflashes
Timely and quality replies to information requests from citizens	New indicator	95% of queries answered within two weeks
Timely and quality replies to the press	New indicator	80% within 24 hours
Number of articles on OLAF	2011: 381 articles	keep high number of articles (>300)
<i>Main output in 2012</i>		
<ul style="list-style-type: none"> - New graphic charter - New OLAF website 		

Human resource management

OBJECTIVE: Recruit, train, assess, motivate and retain highly-qualified staff to ensure that OLAF operates effectively and efficiently		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Limited average vacancy rate of available posts	Average vacancy rate of available posts is 7.2%.	The proportion of posts being vacant equals the Commission average (5.3 % at the end of 2011) by the end of 2012
Number of women at senior management, middle management and AD non-management levels	2011: 0 % at senior management level, 20% at middle management level and 33% at non-management AD level.	The Commission targets for representation of women in AD category for 2010-2014: 25% for senior management, 30 % for middle management and 43% for AD non-management
Rate of absenteeism	Rate of absenteeism in 2011: 4.13%.	Absenteeism for OLAF staff reduced to below the

		Commission average (2.9%)
Average number of training days per staff	2011: 6 training days	The Commission-wide target is 10 training days/year
Specialised external training	2011: 36% of training budget	25% of training budget
<i>Main output in 2012</i>		
- Implementation of the reorganisation planned for the 1 st February 2012.		

Document management

OBJECTIVE: Put in place and maintain an effective document management system so that any document connected with OLAF's official functions can be electronically filed, stored and retrieved at any time irrespective of its original form and the document management system in place		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Filing rate of registered documents	97%	99%
<i>Main output in 2012</i>		
- Adaptation of systems and processes to the new OLAF structure		

Internal Audit

OBJECTIVE: Assess the compliance, efficiency and effectiveness of the control system in place by assisting the Director General and management in controlling risks and monitoring compliance; providing an independent and objective opinion on the quality of management and internal control system; and making recommendations in order to improve the efficiency and effectiveness of operations and to ensure a cost-efficient use of resources		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Degree of implementation of the IAC annual work plan	90%	100 %
Level of acceptance by the auditees of the "critical", "very important" or "important" audit recommendations issued by the IAC	New indicator	target: >80%
Percentage of accepted audit recommendations implemented	New indicator	target: >90%
<i>Main output in 2012</i>		
- Recruitment of new IAC - Implementation of the Audit Planning 2012 - Updated procedures in order to provide action to mitigate the recommendations in the Quality Review 2011		

Internal control and risk management

OBJECTIVE: Implement, maintain and report on an effective and reliable internal control system so that: - Reasonable assurance can be given that resources assigned are used according to the principles of sound financial management; - Risk of errors in operations is minimised and, - The control procedures put in place give the necessary guarantees concerning the legality and regularity of underlying transactions		
<i>Result Indicators</i>	<i>Latest known result</i>	<i>Target</i>
Percentage of internal audit recommendations overdue for more than 12 months	0 %	0 %
Degree of implementation of mitigating measures for critical risks	75%	100%
<i>Main output in 2012</i>		
- Managers and relevant staff are trained on internal control		

Annex

Investigation Policy Priorities (IPP)

The Investigation Policy Priorities (IPPs) are used by OLAF to decide on the opening of investigations. These priorities come into play after the competence of OLAF and the necessary level of suspicions have been established.

The five policy priorities are: proportionality, efficient use of investigative resources, subsidiarity/added value, special policy objectives and financial impact.

The five policy priorities will all be taken into consideration in order to decide whether or not to open an investigation. No single policy priority will operate as a *conditio sine qua non*.

The Unit charged with the selection of cases will check whether the facts meet the five criteria and propose the opening of an investigation, whenever the IPP are considered to be fulfilled.

Proportionality

OLAF should focus on cases where it can expect a fair return for its efforts. The expected results need to be balanced against the human and material resources that will be needed to bring a case to a successful conclusion.

This entails formulating a reasonable forecast of the manpower required and other foreseeable costs (e.g. due to missions) in connection with the investigation while also taking into account:

- Likelihood of financial recovery;
- Likelihood of prosecution - for example, whether there is sufficient time to investigate before time-barring.
- Possible high deterrent value: for example action is taken in a high value area where little action has been taken before.

Efficient use of investigative resources

An efficient use of resources means inter alia that once opened, investigations should be dealt expeditiously.

This will entail checking whether:

- The workload of the relevant Unit will permit to begin investigative activities soon after the case has been opened
- The workload of the relevant unit will permit to carry out work continuously as required by Regulation 1073/99

- Investigations underway and whose priority is higher are not slowed down
- Expertise required in order to carry out the investigation is available (language/sectoral/technical/legal knowledge).

Subsidiarity/added value

OLAF will prioritise cases where it is the only authority with competence in a specific situation or when it can clearly add value to the actions of others.

This will entail checking whether:

- OLAF has sole competence (in certain matters in relation to EU staff) or whether there is an identifiable authority that can act
- One or several authorities have requested the assistance of OLAF in a complex case and OLAF is therefore in a position to add value
- An OLAF investigation could add value in terms of recovery, prosecution or deterrence to the control activities already carried out by other EU or national bodies.

Special policy objectives for 2012

OLAF will prioritise investigations on relevant sectors and/or geographical areas decided by the Director-General, and based on concerns/priorities expressed by the European Institutions and on the outcome of OLAF's own risk analyses, based also on information from Member States.

Priorities will be updated, at regular intervals, in the Management Plan.

For 2012, they will be:

- Double funding in external aid.
- Smuggling of cigarettes and alcohol along the EU eastern border.
- Cohesion funds.
- Pre-accession funds in current accession and candidate countries.
- Suspected corruption or links to organised crime.

Financial impact for 2012

This indicator comes into consideration only when there are resources at risk because of the alleged frauds.

The level of EU Resources at risk is a relevant indicator of the seriousness of fraud. Sectoral financial parameters for the opening of investigations guarantee OLAF's commitment to focus on the more serious cases.

This will entail checking whether

- In the Customs sector, the likely financial impact is over €1 million (estimated illegal diminution of the resources).
- In the Agriculture sectors the likely financial impact is above €100,000 for SAPARD and above €250,000 for Agriculture (estimated misappropriation or wrongful retention of funds).
- In the Structural Funds, €500 000 in the European Social Fund and Cohesion Fund, and €1Million in ERDF (estimated misappropriation or wrongful retention of funds).
- In the external aid and centralised expenditure sectors, €50,000 (estimated misappropriation or wrongful retention of funds).
- In the EU staff sector, €10,000 (estimated misappropriation or wrongful retention of funds).

International Day Against Racism



March 21 2012

**IFUD of Human Rights | European Anti-fraud Office
OLAF | Council of The European Union | UNESCO**

Intermediary Foundation of the Universal Declaration of Human Rights

A A N T E K E N E N

European Anti-Fraud Office OLAF / european
commission

directorat general: Dr Giovanni Kessler
Rue Joseph II, 30
1000, Brussels – BELGIUM.

Your letter of
Your reference
Our letter of
Our reference
Enclosure(s)
Contact
Direct line
Re

-
OLAF
RAPPORT-OLAF_def
Rapport (boekje+CD-rom)
IFUD of Human Rights / J.P. van den Wittenboer
ifudofhumanrights@yahoo.com
ONDERZOEK

Mierlo, 21 maart 2012

Geachte Zeer geleerde Heer Kessler,

Vandaag 21 maart (Internationale Dag tegen Racisme) stuur Ik U het rapport "RAPPORT-OLAF_def" over financiële fraude in de EU, (96 pagina's + CD-rom).

Eerder in 2011 voorzag U de uitgave "EUCRIM" 2011/1, (The European Criminal Law Association Forum) van een inleiding. In die uitgave o.a. door Athanasios Chouliaras de bestrijding van racisme en xenofobie "gemeenschappelijk optreden van 15 juli 1996" door de Raad aangenomen op grond van artikel K3 van het Verdrag betreft de Europese Unie ter bestrijding van racisme en vreemdelingenhaat, (96-443-JBZ).

MET DE MEESTE HOOGACHTING,
IFUD of Human Rights

de voorzitter
Joannes-Petrus van den Wittenboer

Bijlagen.
Rapport + CD-rom



**RAAD VAN
DE EUROPESE UNIE**



P/07/22

Brussel, 26 maart 2007

7198/07 (Presse 56)

(OR. en)

Verklaring van het voorzitterschap namens de Europese Unie ter gelegenheid van de Internationale Dag ter bestrijding van rassendiscriminatie op 21 maart 2007

De VN heeft 21 maart, de dag waarop in 1960 het bloedbad van Sharpeville heeft plaatsgevonden, uitgeroepen tot Internationale Dag ter bestrijding van rassendiscriminatie. Bijna 50 jaar later heeft de ervaring van Sharpeville niets van haar relevantie verloren voor het wereldwijde optreden tegen racisme, vreemdelingenhaat en discriminatie, die in veel landen nog een dagelijkse werkelijkheid zijn.

Er zijn nieuwe vormen van racisme bijgekomen ten gevolge van de mondialisering, het ontstaan van multi-etnische samenlevingen en de strijd tegen terrorisme, waardoor in het bijzonder etnische en godsdienstige minderheden, immigranten, vluchtelingen en asielzoekers worden getroffen. Racistisch denken komt ook voort uit antisemitisme, christianofobie en islamofobie, alsook uit een complexe problematiek rond ras, etniciteit, cultuur en godsdienst, waardoor de bestaande waarden op het gebied van de mensenrechten dreigen te worden uitgehold.

De EU veroordeelt krachtig alle vormen van racisme, rassendiscriminatie, onverdraagzaamheid en discriminatie, en dringt er bij de staten op aan doeltreffende maatregelen te nemen om de symptomen en oorzaken van racisme en discriminatie te bestrijden en de vrijheid van gedachte, geweten, godsdienst en overtuiging voor een ieder, zonder onderscheid daadwerkelijk te garanderen. Op grond van de overtuiging dat alle mensen vrij en gelijk in waardigheid en rechten geboren worden, verbiedt het Handvest van de grondrechten van de Europese Unie uitdrukkelijk discriminatie op grond van geslacht, ras of kleur, afkomst, godsdienst of overtuigingen, of op grond van denkbepelden of seksuele geaardheid.

P E R S

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7198/07 (Presse 56)

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In 2007, het jaar dat is uitgeroepen tot "Europees Jaar van gelijke kansen voor iedereen", wordt in Europa een breed debat gelanceerd over de voordelen van diversiteit voor de Europese samenlevingen. Parallel daarmee is in maart 2007 het Bureau van de Europese Unie voor de grondrechten opgericht. Aangezien het Bureau de voortzetting vormt van het Europees Waarnemingscentrum voor racisme en vreemdelingenhaat, zullen de werkzaamheden van het Bureau betrekking blijven hebben op racisme, vreemdelingenhaat en antisemitisme, de bescherming van de rechten van personen die tot minderheden behoren, alsmede op gendergelijkheid, als essentiële elementen voor de bescherming van de grondrechten.

Voor de bestrijding van racisme, vreemdelingenhaat en discriminatie in de hele wereld werkt de EU ook nauw samen met alle desbetreffende internationale actoren en in alle relevante internationale fora, in het bijzonder de Verenigde Naties en hun gespecialiseerde organen, de Raad van Europa, de OVSE, de Hoge Commissaris voor de mensenrechten en de organisaties van het maatschappelijk middenveld die op dit gebied werkzaam zijn.

In dit verband houdt de EU onverminderd vast aan de uitvoering van de oogmerken en doelstellingen zoals omschreven door de Wereldconferentie tegen racisme, rassendiscriminatie, vreemdelingenhaat en aanverwante onverdraagzaamheid die in 2001 te Durban, Zuid-Afrika heeft plaatsgevonden. De EU wijst erop dat er bij consensus overeenstemming moet worden bereikt over de follow-up van Durban en dat de gehele internationale gemeenschap hier werk van moet maken.

De internationale mensenrechtennormen met betrekking tot non-discriminatie vormen de basis van de strijd tegen racisme. De EU herhaalt haar verzoek aan alle staten die dat nog niet hebben gedaan, om het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie, het belangrijkste internationale rechtsinstrument op dit gebied, bij voorrang te bekrachtigen en uit te voeren.

Op Europees niveau zet de Raad van Europa zich reeds lange tijd in voor de bestrijding van racisme. In het kader van die organisatie is de Europese commissie tegen racisme en intolerantie (ECRI) opgericht, die onder meer tot taak heeft politieke aanbevelingen aan de regeringen van de lidlanden aan te nemen. Het twaalfde Protocol bij het Europees Verdrag tot bescherming van de rechten van de mens verbiedt elke vorm van discriminatie door enig openbaar gezag. Het Europees Hof voor de Rechten van de Mens ziet erop toe dat die bepalingen worden nageleefd. Sinds 2006 is er een aanvullend protocol bij het Verdrag inzake de bestrijding van strafbare feiten verbonden met elektronische netwerken dat de verspreiding van racisme en vreemdelingenhaat via computersystemen tegengaat.

De EU steunt eveneens de niet-aflattende inspanningen van de OVSE om racisme en discriminatie te bestrijden, waaronder het werk van de drie speciale vertegenwoordigers die in 2004 zijn benoemd om meer tolerantie te bevorderen en om racisme, antisemitisme, vreemdelingenhaat en discriminatie in de deelnemende staten te bestrijden. Volgens de EU is de uitvoering van de onlangs ingevoerde OVSE-normen op dit gebied van essentieel belang in de strijd voor de vrijheid van gedachte, geweten, godsdienst of overtuiging en tegen iedere uiting van haat en intolerantie.

De strijd tegen racisme en vreemdelingenhaat blijft een wereldwijde uitdaging, die een eveneens wereldwijde aanpak vereist. De EU dringt er bij alle staten op aan hiertoe zowel nationaal als internationaal effectieve maatregelen te treffen en bevestigt bereid te zijn met alle landen samen te werken ten einde racisme, vreemdelingenhaat, discriminatie en aanverwante vormen van intolerantie, waar die zich ook voordoen, tegen te gaan.

De kandidaat-lidstaten Turkije, Kroatië* en de Voormalige Joegoslavische Republiek Macedonië*, de landen van het stabilisatie- en associatieproces en mogelijke kandidaat-lidstaten Albanië, Bosnië en Herzegovina, Montenegro en Servië, en de EVA-landen IJsland, Liechtenstein en Noorwegen, die lid zijn van de Europese Economische Ruimte, alsmede Oekraïne en de Republiek Moldavië, sluiten zich bij deze verklaring aan.

* Kroatië en de Voormalige Joegoslavische Republiek Macedonië blijven deelnemen aan het stabilisatie- en associatieproces.



**COUNCIL OF
THE EUROPEAN UNION**



P/07/22

Brussels, 21 March 2007
7198/07 (Presse 56)

Declaration by the Presidency on behalf of the European Union on the occasion of the International Day for the Elimination of Racial Discrimination on 21 March 2007

On 21 March, the day of the “Sharpeville massacre” committed in 1960, the UN observes the International Day for the Elimination of Racial Discrimination. Almost 50 years later, the lessons of Sharpeville have lost none of their pertinence for worldwide action against racism, xenophobia and discrimination which are still a daily reality in many countries.

New forms of racism have taken shape in the wake of globalisation, the formation of multi-ethnic societies and the fight against terrorism affecting in particular ethnic or religious minorities, immigrants, refugees or asylum-seekers. Racist thinking also springs from anti-Semitism, Christianophobia and Islamophobia and from an interweaving of issues concerning race, ethnicity, culture and religion, which threatens to erode existing human rights values.

The EU strongly condemns all forms of racism, racial discrimination, intolerance and discrimination and urges states to adopt effective measures to combat the symptoms and causes of racism and discrimination and to effectively guarantee the freedom of thought, conscience, religion and belief to all without distinction. Based on the conviction that all human beings are born free and equal in dignity and rights, the EU Charter of Fundamental Rights explicitly prohibits discrimination based on any ground such as sex, race or colour, origin, religion or belief, or on the grounds of a person’s opinion or sexual orientation.

In 2007, which has been designated as the 'European Year of Equal Opportunities for All', a major debate will be launched in Europe on the benefits of diversity for European societies. In a parallel development, the EU Fundamental Rights Agency was established in March 2007. Building on the European Monitoring Centre on Racism and Xenophobia, the work of the Agency will continue to cover the phenomena of racism, xenophobia and anti-Semitism, the protection of rights of persons belonging to minorities, as well as gender equality, as essential elements for the protection of fundamental rights.

P R E S S

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7198/07 (Presse 56)

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With the aim of combating racism, xenophobia and discrimination worldwide, the EU also cooperates closely with all relevant international actors and in all relevant international fora, especially the United Nations and its special mechanisms, the Council of Europe, the OSCE, the High Commissioner for Human Rights and relevant civil society organisations.

In this context, the EU remains firmly committed to implementing the goals and objectives as defined by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban/South Africa in 2001. The EU emphasizes that the follow-up process to Durban must be agreed by consensus and pursued as a joint effort by the international community.

International human rights standards relating to non-discrimination underpin the fight against racism. The EU reiterates its call on all states that have not yet done so to sign, ratify and implement as a matter of priority the International Convention on the Elimination of all Forms of Racial Discrimination as the core international legal instrument in this respect.

At the European level, the Council of Europe has been engaged in combating racism for a long time. It established the European Commission against Racism and Intolerance (ECRI) for operative tasks including the adoption of political recommendations to the governments of the member states. Protocol 12 to the European Convention on Human Rights prohibits all forms of discrimination by acts of sovereignty. The European Court of Human Rights monitors compliance with these stipulations. Since 2006, an additional Protocol to the Convention on cybercrime has curbed the spread of racism and xenophobia through computer systems.

The EU also supports ongoing OSCE efforts to combat racism and discrimination, including the work of the three Special Representatives appointed in 2004 to promote greater tolerance and combat racism, anti-Semitism, xenophobia and discrimination in the participating States. The EU considers the implementation of recently created OSCE standards in this area to be a key activity in the fight for the freedom of thought, conscience, religion or belief, as well as against any manifestations of hate and intolerance.

Combating racism and xenophobia remains a global challenge and requires an equally global response. The EU urges all states to take effective action at both the national and international level to this end and confirms its readiness to work together with all countries to oppose racism, xenophobia, discrimination and related forms of intolerance wherever they occur.

The Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

* *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*



[NL]

RAPPORT-OLAF_def



RAPPORT
financiële fraude EU
IFUD of Human Rights
21 maart 2012

[NL]



RAPPORT

financiële fraude EU

IFUD of Human Rights

21 maart 2012

Brussels, 21 June 2010
D(2010)1036

Dear President, 

I would like to inform you of a number of reforms I have introduced and which should help to improve the Commission's communication. As a start, since you have entrusted me with the responsibility for communication, I have reorganised DG COMM to better equip it for its task to provide a service to the College and all DGs for their communication activities.

Following a discussion with the Spokesperson's Service on the most pressing operational communication needs, the following improvements in the service provided by DG COMM have been introduced during the first five months of this Commission:

1. Earlier and easier information on the press

Press clippings, as well as summaries of audiovisual media, are now available every morning at 08.45hrs for SPP and cabinets, both on-line (Newsroom on MyIntracomm) and on paper, in time to allow for early decisions on "Lines to Take". It is now also possible for Commission officials to call up press clippings digitally by country and by subject.

2. Teleprompting

Teleprompters have now been installed in the press room and are presently being tested. They should facilitate and professionalise the delivery of speeches and detailed press conferences by Commissioners and Spokespeople.

3. A team of speechwriters

A dedicated team of 4 speechwriters has been created in DG COMM, who will work with your own speechwriters and those in the DGs, to draft master speeches for Commissioners and senior level civil servants on cross cutting issues, such as the Europe 2020 strategy, the financial crisis, the Lisbon Treaty or the EU's Consumer Policy.

4. Transcripts of Press conferences

After having tested electronic transcription of press conferences and finding out that it was not successful, DG COMM will launch a tender procedure for a professional transcript service, which should be operational in early 2011. This service will ensure written transcripts of important press conferences and statements very shortly after their delivery in the language in which they were made.

Mr José Manuel Barroso
President of the European Commission
BERL 13/057

5. Websites of the President and Commissioners

A dedicated team of 8 persons has been set up in DG COMM to keep your website and that of fellow Commissioners up-to-date in real time (following the best practice already installed by me at DG INFSO during the previous mandate). The team foresees a permanence ensuring a 24 hour service. Furthermore, the websites of all Commissioners are now harmonised following a common template developed by DG COMM.

6. SMS service

DG COMM has developed an SMS sender web application (<http://s-comm-iss-p1:8001/smssender/>) which can now be used by the Spokesperson's Service to inform journalists expediently of important developments.

7. A dedicated EbS crew for the President

DG COMM will recruit 2 EbS producers who will in future travel with you, on request, and who will direct local EbS crews. Given the requirements of the recruitment procedure (call for tender); this service will be operational as from spring 2011. In the meantime, a trial/preparatory phase will be launched for a number of missions. On request, an internal "Producer" can accompany you on some of your missions (subject to mission budget availability). 2 clips editors will be in post soon to strengthen your video production. Of course, this service could be extended to important and media-sensitive missions by other Commissioners (e.g. a mission by Olli Rehn to Athens in the next few weeks).

8. Enable journalists to travel with the President or Commissioners to important meetings abroad

Before the summer, I intend to submit to the College a financing decision and operational guidelines to enable the Commission to take in charge some of the costs of journalists travelling with you or fellow Commissioners to important meetings abroad. The new system is expected to be operational in October.

9. A dedicated photographer for the President on permanent call

The photographers' service will be strengthened with the recruitment of 2 more photographers to ensure a 24 hour service for you. They will be operational very soon if they are attached to your Cabinet, otherwise a longer delay (call for tender) will be needed to recruit them (spring 2011).

10. Monitoring of blogs and social networking sites and instant rebuttal

Automated blog monitoring is now available via the new EMM "European blog monitoring" tool on the MyIntracomm News Portal. Users can subscribe to email alerts based on key words. Fast and effective rebuttal is organised by the SPP with the help of the responsible services. In addition, I have asked DG COMM to set up a network of 10-15 social media experts across the Commission to ensure a targeted use of social media (such as Facebook or Twitter) for the Commission's communication purposes.

11. Graphic designers for backdrops, logos, press packages or power point presentations for important President initiatives/Commission decisions

The team of graphic designers in DG COMM will be strengthened to include 3 persons. The new team will be operational from September. They will help with the professional presentation of important Commission policy messages (such as Europe 2020).

12. Streamlining of logos

I have asked DG COMM to streamline the multitude of logos currently used by Commission services. This will lead to a set of guidelines for all services before summer. The use of the European flag together with the existing logos will become the rule.

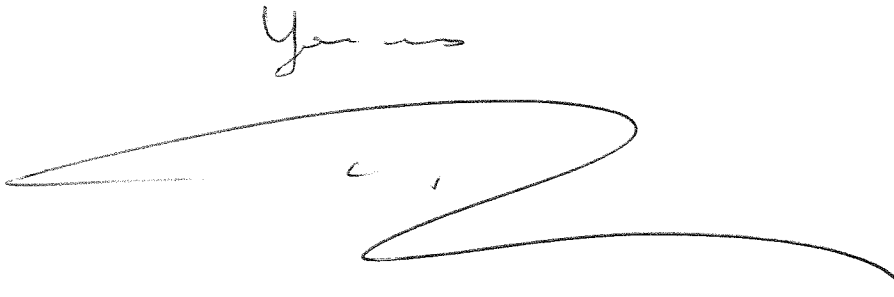
13. Branding

DG COMM will launch before the summer a more fully fledged branding operation for the Commission to strengthen and streamline our corporate image on the basis of the European flag.

14. Streamlining of networks

On my request, DG COMM is working on the streamlining of the multitude of Commission networks. It has started with a harmonisation of their visual identity. A next step will be to bring them together under one "umbrella", to create a single entry port for citizens requesting information about the EU, as proposed in the 2008 Lamassoure report. I intend to launch this single entry port in October on the occasion of the adoption by the College of the Citizenship Report which you called for in your policy guidelines last year.

The aforementioned actions should constitute a first but certainly not the last step towards improving the communication efforts of the Commission. If you allow me, I would be prepared to make a 10 minute presentation at the College seminar in September to illustrate to colleagues how they can make best use of the communication tools now available under the reformed system and to ask them about their ideas for further developing and strengthening the service-oriented nature of DG COMM for the whole Commission.

A handwritten signature in dark ink, appearing to read 'J. Laitenberger', followed by a large, stylized, sweeping flourish that extends across the width of the signature area.

Cc: J. Laitenberger, C. Day, C. Sørensen, F. Le Bail, K. Doens,
P. Ahrenkilde Hansen, S. Bouygues

AANTEKENEN

TO:EUROPEAN ANTI-FRAUD OFFICE OLAF,

(european commission)

directorate general

Dr. Giovanni Kessler

RUE JOSEPH II, 30

1000,BRUSSELS

BELGIUM

[NL]

FINANCIËLE FRAUDE

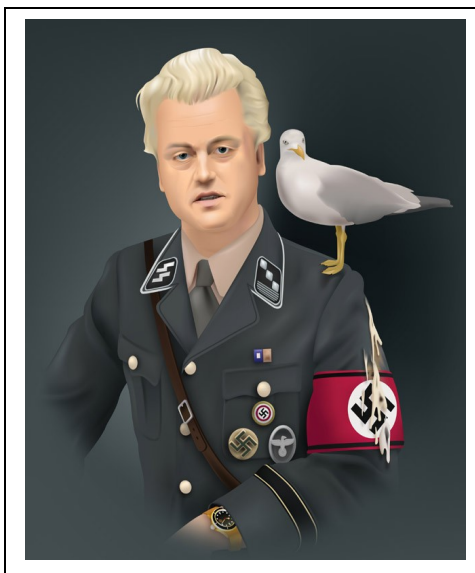
Artikelen; 325 / 83 en 85 VWEU

Mierlo,21 maart 2012

Geachte Zeer Geleerde directeur-generaal Dr. Kessler,

Ik verzoek U voortvarend aan de slag te gaan met de door mij hier aangeboden stukken waarin melding is gedaan van fraude in de Europese Unie.Voortvarendheid is gewenst in

deze tijd waarin de lidstaten gedwongen zijn om draconische maatregelen te nemen op de balans om de Europese begroting, met harde offers opgelegd aan de onderdanen van de Unie. Omdat deze strafbare feiten niet door de beugel kunnen verzoeken ik U aanvullend hiervan schriftelijk aangifte te doen bij de Strafrechter in Brussel, België. Vandaag 21 maart door de Verenigde Naties uitgeroepen tot Internationale dag tegen racisme en discriminatie, door de Europese Commissie aangewend als het ultieme propagandamiddel om het eigen blazoen op te poetsen. De Europese Commissie gebruikt deze dag voor het toedekken van racistische en xenofobe gedragingen die in alle lidstaten van de EU strafbaar zijn. Het is strafbaar en het is een schending van de waarden van de Unie. Bovendien is er sprake van fraude door oneigenlijk gebruik van Europese financiële middelen, (belastinggeld van de burgers van de lidstaten). De Europese Commissie heeft een voorbeeldfunctie en toezichthoudende taak. Wanneer sprake is van toezichtsfalen moedigt het kopieergedrag aan. Er circuleren op het internet inmiddels afbeeldingen van de Nederlandse politicus Geert Wilders in vol ornaat in SS-uniform. Het wordt van kwaad tot erger! Ambassadeurs uit tien EU-Lidstaten zonden onlangs vorige maand een gezamenlijke brief aan de fractievoorzitters van alle politieke partijen in de Tweede Kamer der Staten Generaal van Lidstaat Nederland met vragen over naleving van de Uniewaarden i.v.m. discriminatoir gedrag meldpunt midden- en Oost-Europeanen. Zorg er dus voor dat deze grenserving niet tot normerving leidt. Mede daarom is terughoudendheid niet op zijn plaats en is adequaat onderzoek en optreden nodig.



(afbeelding Geert Wilders bron: fransmuthert.wordpress.com)

(afbeelding Europese vlag met hakenkruis bron: nieuwsbreker.punt.nl)

[nationaal niveau jurisprudentie Nazi symboliek: Hoge Raad der Nederlanden LJN BJ6941]

[resolutie over bestrijding van anti-semitisme in de 21st eeuw]

Artt;11-13-15-16.(Giovanni Kessler was lid van de Italiaanse delegatie van de OVSE Parlementaire Assemblee 2003,vice-president Parlementaire Assemblee OVSE). Verklaring van Rotterdam 2003,OVSE Parlementaire Assemblee,de aangenomen resoluties.De algemene doelstelling van de Europese Commissie,(uitgangspunten en prioriteiten fraudebestrijding),COM-2011-376_final.De strategie van de commissie is verbeteren van preventie en detectie.Artikel 325 van het EG-Verdrag betreffende de werking van de Europese Unie (VWEU) samen met artikelen 83 en 85 bepalen dat de commissie en de lidstaten,fraude en andere onwettige strafbare activiteiten waardoor de financiële belangen van de Unie worden geschaad op gemeenschappelijke basis bestrijden.Ter voorkoming en opsporing van fraude is aldus een gezamenlijk belang.”Het geld van de Europese belastingbetaler moet zo goed mogelijk worden besteed”,(IP-11-321).

“waarden en normen in Unie-Verdragen appelleren aan verantwoordelijk handelen”.

De Europese Unie draagt de kernwaarde van democratie uit d.m.v. peperdure propaganda.Het Europese systeem beschermt niet de mensenrechten maar promoot alleen mensenrechten.Mensenrechtenverdragen geven dus niet de garantie.De Europese Unie besteedt 2,4 biljoen euro per jaar –gemiddeld- aan promotiemateriaal:brochures,films,onderzoeken die worden gebruikt om de publieke opinie te manipuleren.Dit alles onder het mom van het verstrekken van informatie.Het blijkt geen neutrale eerlijke informatie maar een strategisch ontworpen rookgordijn. *.(rapporten en boekjes zien er zó indrukwekkend en echt uit,dat ze voor de normale burger bijna niet te onderscheiden zijn van “echt of vals).*

PROGRAMMA “Europa voor de Burger”, 2007-2013 door de Europese Commissie.

De Europese Commissie,het Europees Parlement en de Raad van de Europese Unie zijn gezamenlijk overeengekomen het programma “Europa voor de Burger” vast te stellen en subsidie te verstrekken teneinde een wettelijk kader tot stand te brengen voor ondersteuning van diverse activiteiten en organisaties die een “actief Europees burgerschap”, dat wil zeggen een betrokkenheid van burgers en maatschappelijke organisaties bij het proces van Europese integratie,bevorderen.De begunstigden dienen de bijdrage van de Europese Unie duidelijk te vermelden in al hun publicaties of in samenhang met activiteiten waarvoor de subsidie is gebruikt.Het is niet aan te raden om over “schuinsmarscheerders en scheve schaatsrijders van de Europese Commissie” te schrijven,en van actieve participatie deelname van de burgers op alle niveaus is geen sprake.Om minderbedeelden van deelname te weren is een financiële drempel ingebouwd. De door Europese Unie gefinancierde deelnemers moeten pro-Europees zijn en de inbreng EU-vlag gericht.De begunstigden dienen de naam en het logo van de Europese Unie,de Europese Commissie en het programma “Europa voor de Burger” op te nemen in/op al hun publicaties,posters,programma’s en andere producten die in het kader van het gefinancierde project tot stand zijn gebracht.”Europa voor de Burger” is niets anders dan belastinggeld verslindende zwendel louter bedoeld om de burger van de Unie

voor de Europese propagandakar te spannen voor eigen glorie, om ze daarna in de Europese Unie opgelegde financiële dwangbuis te stoppen. Achter het Europese rookgordijn manifesteert zich een voor de EU-onderdanen verborgen overkoepelende misdaad die het

gevolg is van het kruispunt en relaties tussen het beleid en de praktijken van de EU en de lidstaten, en die van corporaties. “state-corporate crime”. Het faciliteren of vergoelijken van de schade aangericht aan de Europese samenleving, en waar corporaties onder het oog van de EU en de lidstaten ongestraft zich kunnen inlaten met illegale praktijken. “state-gefaciliteerd corporate crime” en state-geïnitieerde crimes”. Statuut van de EU-ambtenaren “melden van misstanden”: *Het is in het belang van de instelling en haar personeel, maar bovenal ook in het belang van de Unie, en de burgers voor wie Zij werken. Sinds 1999 zijn alle ambtenaren verplicht om vermeende ernstige misstanden te melden bij hun hiërarchieke meerdere, bij de secretaris-generaal van hun instelling of rechtsstreeks bij het Europees Bureau voor Fraudebestrijding (OLAF)*. Volgens Artikel 22a “Statuut Europese Ambtenaren”/“Staff Regulations of Officials of the European

Communities”, zijn alle ambtenaren van de Europese instellingen, met inbegrip van het personeel van de Europese ombudsman, gehouden zijn hun meerderen of OLAF in kennis te stellen van mogelijk strafbare feiten en/of illegale activiteiten waardoor de belangen van de Europese Unie worden geschaad. (onder ambtsmisdrijven en ambtsovertredingen worden hier begrepen strafbare feiten begaan onder eene der verzwarende omstandigheden door lidstaat Nederland, waar Hij/Zij kennis neemt in de uitoefening van het ambt bij ‘n Europese instelling, die nadat enig misdrijf is gepleegd, met het oogmerk om het te bedekken of de nasporing of vervolging te beletten of te bemoeilijken, verbergt of aan het onderzoek van OLAF of van Justitie onttrekt). In juridische termen het medeplegen aan het verspreiden van racistisch en xenofobisch materiaal via internettransmissies toegankelijk voor het grote publiek, waarbij de racistische en xenofobische delicten extra als een verzwarende omstandigheid worden beschouwd. Het systeem is een protectionistisch misdaadsyndicaat voor industriële en commerciële doeleinden. “militair-industrieel complex”: een groep aan elkaar verwante economische activiteiten, waaronder gerekend de wapenindustrie en farmaceutische industrie etc. De Europese Unie en Haar lidstaten worden achter de schermen gerund door lobbyisten van multinationals en grootkapitaal. Dit is dan de ontmaskering van het “Europese Unie” voor de Europese burger. De veelheid aan initiatieven die specifiek gericht zijn op kinderen en jongeren mensen zijn zeer dubieus, en bieden flagrante voorbeelden van EU-propaganda, (artikelen dailymail.co.uk). *De peperdure gebouwen in Brussel en Straatsburg stralen een zonnige en zorgloze sfeer uit. Maar achter de indrukwekkende facade van al deze pracht en praal schuilt een lugubere wereld van list en bedrog*. Met het nieuwe bezoekerscentrum (in feite een propaganda-centrum voor eigen ego) “parlamentarium” ondergebracht in het Europees Parlement in Brussel, heeft de EU ook nog een zeer geavanceerd netwerk van informatiepunten, anti-racisme, mensenrechten, milieu en educatie

over de holocaust ter eigen voordeel.(nabootsing van de werkelijkheid met behulp van een model van die werkelijkheid).Een netwerk van pseudo-instellingen en stichtingen geketend door EU-subsidies waaronder ook te rekenen Fundamental Rights Agency FRA, die de burgers van de Europese unie “rijkkelijk” van niet-objectieve rapporten en informatie moeten voorzien.Is het “Huis van de Europese geschiedenis” in Brussel nog wel nodig 56 miljoen euro van de belastingbetaler,als plaats van herinnering waar de Europese gedachte verder kan gedijen? Niet alleen de gebouwen zelf die veel “belastingbetaler geld” opslorpen ,ook het maandelijks “verhuiscircus” van het Europees Parlement van Straatsburg naar Brussel van half miljard euro per jaar. (kosten 180 miljoen als op één plaats vergaderd zou worden).De Europese begroting voor 2012 zit nu al met een tekort van 11 miljard euro,(Lewandowski).

Men ziet het ook terug in de buitenlandse activiteiten van de EU ten aanzien van o.a. Israel niet naleving van internationale mensennormen,en waarbij het de EU kennelijk is te doen om de handelsbetrekkingen en niet die van de mensenrechten,(brief Finkelstein-Barroso,kenmerk:EU-Israel Association Council).Norman Finkelstein vaak weggehoond in de media om zijn kritiek,en zeker in joodse kring.

Een betreurenswaardige censuur is nu de standaardpraktijk geworden –zonder zich ook maar enigszins over de inhoud van de klacht te bekommeren- door een netwerk van corrupte medeplichtigen.*De echte ingewijde corrupte EU-ambtenaar is zwijgzaam en werkt zonder morele maatstaven,is loyaal aan de superieuren en voert de taken uit zonder te morren.Stelt zeker geen vragen wanneer sprake zou kunnen zijn van fraude of van een misdrijf wat nadeling is voor de naam van zijn baas,(uitzonderingen daargelaten de nog integere ambtenaren van de Europese Unie).*Dit alles om de werkelijkheid af te schermen en het polijsten van het imago van Barroso, die zich ondertussen (onder advies van Reding) heeft laten voorzien van een (extra) leger journalisten in de media.In de buitenring van het corrupte ambtenarenapparaat werken de commissieambtenaren hiërarchisch hoger in de rangorde, die de portiersposten bekleden om Barroso –en het kringetje van vertrouwelingen rond Barroso die de sleutelposten bekleden- uit de wind te houden voor alle kritiek wat werkt als een filter.Dan is er nog de groep ambtenaren (die denkt van zichzelf) niet bewust corrupt te zijn, maar werkt volgens blinde gehoorzaamheid.Dat kan echter geen argument zijn zich op dit punt te kunnen disculperen,(lees Staff Regulations of Officials of the European Communities, Article 22a).

EU-klokkenluiders krijgen te maken met gruwelijke afscheepmechanismen.(Declaratie van Academische Vrijheid).

Het doorbreken van de hiërarchische lijn in een organisatie als die van de Europese Commissie kan problemen opleveren.EU-ambtenaar Paul van Buitenen (financiële controledienst DG-20),die eind 1998 fraude bij de Europese Commissie naar buiten bracht,(al in 1997 meldde van Buitenen vergeefs fraude bij de Europese antifraudedienst Uclaf,maar die deed er niets mee).In oktober 1998 vraagt het Europees Parlement de oprichting van een

onafhankelijke fraudebestrijdingsdienst (OLAF). Door van Buitenens toedoen moest de Europese Commissie onder leiding van Jacques Santer aftreden,(van Buitenen werd door de commissie onder druk gezet en op non-actief gesteld).

KLOKKENLUIDERS KRIJGEN TE MAKEN MET

- afschilderen als onbelangrijk
- vertragingsmanoeuvres
- heimelijke manipulaties
- bannen en isoleren
- verdachtmaken en demoniseren
- beledigende etiketten
- ongecontroleerde beschuldigingen
- zwartmakerij
- bewust negeren van bewijsmateriaal
- bewust verkeerd interpreteren van feiten
- bewust verdraaien van feiten
- collusie
- cliëntelisme
- corruptie
- fraude
- zwijgcultuur
- misdaad
- criminele organisatie
- EU-belastingbetaler gesteund Orwelliaans propagandanetwerk
- vervalsen en bewust laten verdwijnen bewijsmateriaal

- degraderen functie,het dreigen met overplaatsing of ontslag
- extreme en onuitvoerbare eisen gaan stellen
- ontnemen fundamentele rechten
- strategie financieel te gronde richten tegenstander
- doelbewust structureel negeren Europese en Internationale Verdragen

Geleidelijk aan worden de contouren zichtbaar hoe de commissie hoofdzakelijk gedicteerd wordt door Barroso en het klein bevoorrecht groepje rond Barroso. Hoe Barroso zich schuldig maakt aan grootspraak en het verspreiden van leugens met imitatietoespraken over anti-racisme in de gehele Europese Unie.

PORTUGAL

Barroso benoemd tot voorzitter van de Europese Commissie.

Voormalig premier Balkenende van Nederland noemde het destijds zeer belangrijk dat premier Barroso van Portugal unaniem werd verkozen voor de functie van voorzitter van de Europese Commissie. Barroso was volgens Balkenende een echte Europeaan, die communicatief ook er goed zou zijn en daadkrachtig bestuur had getoond. Barroso van 2002 tot en met 2004 premier van Portugal en verwickeld in een corruptieschandaal en met onderzeeërs tijdens kabinet Barroso, met 34 miljoen euro schade destijds voor de Portugese belastingbetaler. In de tijd waarin Portugal is gedwongen om draconische maatregelen te nemen op de balans om de staatsbegroting, met harde offers opgelegd aan het Portugese volk. [opblazen van de prijs, wanbeheer overheidsfondsen, overtreding interne Europese markt, fraude en omkoping, belastingontduiking met een netwerk van valse contracten inclusief witwassen van geld]. Er zou sprake zijn van schending gemeenschapsrecht artikel 346 VWEU.

“ellendige paternalisten”

Niet alleen bezondigde Griekenland zich aan creatief boekhouden met weglaten van de kosten van defensie op de begroting. Ook de organisatie van een prestegeproject als de Olympische Spelen in Griekenland 2004 kostte veel meer dan verwacht. Aanvankelijk werd 4,6 miljard euro begroot, het eindbedrag kwam te liggen boven de 7 miljard euro. De financiële swaps-koehandel met de slimme bankiers van de Amerikaanse investment bank Goldman Sachs en de Griekse overheid “cross currency swaps” koste de Griekse overheid bergen geld, terwijl bezuinigingen de Griekse onderklasse thans hard treffen. De politieke top samen met de bankiers-elite zijn een stelletje ellendige paternalisten dat de hand aan het eigen vaderland

slaat en daarna aan het volk! Dit is dan het succes van een vrijbuitestroep die de begane roof kan rechtvaardigen. Mensenrechtenrapportage 2009, (ministerie van buitenlandse zaken Lidstaat Nederland).

(rapportage over de uitvoering van de mensenrechtenstrategie “naar een menswaardig bestaan”)

De mensenrechtenstrategie “naar een menswaardig bestaan” zet uiteen hoe Nederland beoogt de rechten van mensen wereldwijd te verbeteren. Staatssecretaris Paul de Krom SZW wil mensen uit de bijstand aan het werk zetten dat is de plicht van de overheid. Nederland moet bezuinigen. Het gaat echter om de wijze hoe dat moet gebeuren. De uitvoeringsinstellingen dienen maatwerk te leveren door in elke situatie en geval goed te kijken welk probleem aan de orde is door niet alles in medische termen te gieten. Maar die instellingen (UWV en de gemeenten) kunnen pas maatwerk bieden als de centrale overheid ze die ruimte geeft om dat te kunnen doen. Er wordt heel snel gedreigd met strafkorting en zelfs met stopzetting van de uitkering. Waarbij het respecteren van de menselijke waardigheid als grondslag voor klassieke grondrechten in geding kan zijn. Wanneer sociale grondrechten conflicteren met klassieke grondrechten, klassiek grondrecht absolute voorrang geniet. Deze rechten leggen (in beginsel) de overheid een onthoudingsplicht op. De overheid dient deze fundamentele rechten te waarborgen/garanderen bij de uitvoering van de zorgverplichting telkenmale wanneer de overheid een overheidsmaatregel effectueert en tijdens het gehele traject.

[op grond van artikel 1 EVRM verzekeren de Verdragssluitende Partijen aan een ieder, die tot hun rechtsmacht behoort, de rechten en vrijheden welke zijn vastgesteld in de eerste titel van het Verdrag. Het gaat daarbij om de bescherming van de menselijke waardigheid. De bescherming, de verplichting tot de verzekering van de verdragsrechten, rust in de eerste plaats op de Verdragsstaten zelf. Zij moeten zelf de naleving van de bepalingen (doen) garanderen. Handelen in de lijn met deze uitgangspunten behelst het respecteren van de menselijke waardigheid als grondslag voor klassieke grondrechten. Bij klassieke grondrechten moet de overheid zelf zich passief opstellen. De burger kan klassieke grondrechten bij de rechter afdwingen. Bij sociale grondrechten moet de overheid actief optreden om de grondrechten waar te maken.]

Grondige hervorming aan de onderkant van de arbeidsmarkt “werkplicht voor iedereen” staatssecretaris de Krom Sociale Zaken en Werkgelegenheid heeft hierop het nieuwe Wetsvoorstel bij Tweede Kamer ingediend, de bedoeling is dat de Wet in werking treedt per 1 januari 2013. In het “Handvest van de Europese Grondrechten” is uitdrukkelijk en ondubbelzinnig onderscheid gemaakt tussen dwangarbeid en verplichte arbeid. “niemand mag gedwongen worden dwangarbeid of verplichte arbeid te verrichten. De Europese Unie als hoedster van de verdragen. Het Handvest verzekert dat alle instellingen van de Unie deze grondrechten zullen respecteren en dat de voorwaarden van het Gemeenschapsrecht moeten worden gerespecteerd. Geen van de bepalingen van het Handvest mag worden uitgelegd als

zou zij het recht inhouden enige activiteit te ontplooiën of enige daad te verrichten met als doel de in het Handvest erkende rechten of vrijheden teniet te doen of de rechten en vrijheden verdergaand te beperken dan door het Handvest is toegestaan. Het Verdrag van Lissabon is in 2007 in de plaats gekomen van het Verdrag van Nice. Met de inwerkingtreding van het Verdrag van Lissabon is het Handvest Grondrechten van de Unie primaire, bindende EU-wetgeving geworden. Het Hof van Justitie in de Europese Unie zal haar uitspraken voortaan aan het Handvest kunnen toetsen.

Door in de sociale voorzieningen te snijden, de situatie en de kansen op de arbeidsmarkt beter voor te stellen dan die in werkelijkheid is en vervolgens het beleid zorgvuldig daarop af te stemmen.

Offshoring vindt al tientallen jaren plaats in Nederland. Met name veel productiewerk, zoals in de textielsector, verwenen de afgelopen decenia naar het buitenland. Eerst werd alleen laagopgeleid werk geoffshored, tegenwoordig ook hoogopgeleid werk. Multinationals verplaatsen met name IT en administratieve functies naar opkomende en laagelonenlanden. Offshoring is vernietigend voor de eigen arbeidsmarkt. Staatssecretaris SZW Paul de Krom de man van het nieuwe “kunstmatig” systeem voor de werkgelegenheid van de onderkant, en Minister SZW Henk Kamp de man die de onderkant van Nederland “verplicht” de kassen wil injagen. Door inzet van sanctie-instrumenten (speciaal de doelgroep “chronisch zieken en mensen met een arbeidshandicap”) zal de maatregel niet tot het beoogde effect leiden, maar bij de specifieke doelgroep stressproblemen en angststoornissen bezorgen, (rapport arbeidsongeschiktheid, ziekte en letsel H.M. Walker). De groep ervaart de maatregel immers als niet vrijwillig, omdat daarna een dwingende keuze volgt zien de mensen het vrij snel niet meer zitten, en komen hierdoor in ernstige psychische problemen. Steeds meer mensen gaan roken of alcohol/drugs gebruiken en geraken in de situatie waar ze om medicijnen zullen vragen. *In tijden van economische crisis waar de farmaceutische industrie groeit en steeds winstgevender wordt, verzaken zij hun functie en taakstelling en plegen zij in feite roofbouw in hun omgeving. Speciaal de machtige syndicale machtsmonopolies brengen het publiek grote schade toe, Farma Imperialisme, IFUD of Human Rights 2010*) De farmaceutische Brusselse lobby-industrie om het EU-beleid te beïnvloeden is groot, op allerlei manier probeert deze industrie haar producten en diensten onder de aandacht te brengen van de Europese beleidsbepalers. De Europese Unie heeft een gedragscode opgesteld. De gedragscode bevat een aantal uitgangspunten en waarden. De tentakels van de farmaceutische industrie blijken ook te reiken tot alle geledingen van de Nederlandse gezondheidszorg. De Tweede Kamer der Staten Generaal is in principe een politiek marionettentheater; de staatssecretaris de marionet van de farma (de positie van de UWV-artsen, gemeentelijke sociale diensten “werkpleinen”, verzekeraars en patiëntenbelangengroepen die volop mee draaien in de carrousel van de farmaceutische industrie, de marionetten) die aan de leiband loopt van de farmaceutische industrie, waarbij het ontwikkelen van de stress-probleemgroep belangrijk is (de probleemgroep heeft haar

medicijnen nodig maar de problemen worden niet opgelost) de farmaceutische industrie hecht daar geen belang aan omdat de farmaceutische industrie graag goudgeld wil verdienen. De farmaceutische industrie in Nederland geeft jaarlijks honderden miljoenen uit aan de promotie van geneesmiddelen. De farmaceutische bedrijven zijn handelsondernemingen geworden voor de marketing van ziekten en medicijnen, ("slikken" hoe ziek is de farmaceutische industrie, Joop Bouma, ISBN 90-204-0365-6).

Medicalisering van de samenleving is daarom een groot gevaar. De maatschappij als weerspiegeling van "de grote ziekenzaal" waarin de gehele bevolking wordt gemedicaliseerd of is opgesloten in kooien, (Ivan Illich, Grenzen aan de geneeskunde).

De moderne maatschappij waar gehele bevolkingsgroepen tot een andere wereld worden veroordeeld, die van het hedendaagse fascisme. De farmaceutische industrie tevens als politiek instrument door de politiek om tegenstanders en maatschappelijk nuttelozen afvoeren van het strijdtoneel door medicalisering. Al in 1993 bracht ik de problematiek onder de aandacht van toenmalig staatssecretaris Simons, Staatstoezicht op de Volksgezondheid, brief 24-08-1993), dat ik een zwendel en corruptie op het spoor was van misstappen en valse verklaringen in de medische- en gezondheidszorg, (Simons daarna 22 september 1993):

[Geachte heer van de Wittenboer,

Uw brief van 24 augustus heb ik met belangstelling gelezen. In het bijzonder de resultaten van uw studie naar de tekortkomingen en de mogelijke verbeteringen in het huidige stelsel van gezondheidszorg trokken mijn aandacht. U geeft daarin blijk van uw grote betrokkenheid bij dit onderwerp. Zoals u weet is ook het beleid van het kabinet erop gericht om verbetering te brengen in het functioneren van het stelsel van gezondheidszorg. Dat is echter niet iets dat door de politiek alleen gedaan kan worden; alle burgers zijn daarbij partij. Ik vind het dan ook noodzakelijk dat ook burgers daarin actief en kritisch meedenken. Bijdragen zoals van u – ook al zijn ze kritisch van toon – zijn dan ook altijd welkom ten behoeve van de verdere ontwikkeling en toetsing van het beleid.

Hoogachtend

De staatssecretaris van Welzijn, Volksgezondheid en Cultuur,

Hans J. Simons.]

Op 21 januari 1994 liet Ik een aanklacht tegen de Nederlandse Staat, vergezeld van een aantal bewijsstukken notarieel vastleggen. Ik deed dit nadat achteraf bleek dat de door mij gemelde misstanden niet serieus werden genomen. Of naar andere gremia werd verwezen. Men stak elkaar een hart onder de riem en men liet de zaak verder op zijn beloop. (ook in die tijd was al sprake van financiële fraude bij de Raad van Europa; er bleek destijds 2 miljard gulden

spoorloos verdwenen. Dit geld was oorspronkelijk bedoeld voor de opvang van vluchtelingen. Voorts zouden enkele hoge functionarissen van de Raad zich persoonlijk verrijkt hebben voor een bedrag van bijna 8 miljoen gulden. Daarna in 1998 fraude Europese Commissie directoraat-generaal Onderwijs, (eurocommissaris Cresson).

CHRONISCH ZIEKEN EN MENSEN MET EEN ARBEIDSHANDICAP

Geen dwangtrajecten maar deelname naar vermogen op vrijwillige basis bij deze doelgroep heeft een meer positieve uitwerking. Het breekt de dagelijkse sleur, het zorgt voor een drijfveer en het levert erkenning op. Iedere doelgroep vraagt om een andere aanpak. Naast de groep chronisch zieken en arbeidsgehandicapten is er ook een op de arbeidsmarkt moeilijk plaatsbare groep, de groep “alcohol-drugsverslaafden”, jongeren met psychische problemen c.q. gedragsstoornissen die reeds in aanraking zijn geweest met Justitie, en een strafblad hebben. Iedereen aan de slag er is werk genoeg is een utopie. Er zullen samen oplossingen moeten worden gezocht. Oplossingen kunnen worden gezocht in beter management, een ander beleid en bestuur, betere programmering en het stellen van duidelijke prioriteiten.

“eurocrisis”

De Europese Unie mag bezuinigingen niet alleen afwentelen op de zwakkeren. Het zijn overigens niet alleen de onderklasse die zich zorgen moeten maken bij een eurocrisis. Ook de ZZP'ers en kleine zelfstandige zullen hiervan de dupe worden. Het bezuinigingspakket en de maatregelen thans aangenomen door de Europese Unie tegen Griekenland zijn schending van de mensenrechten “uniewaarden”, (rapport Cephara Lumina, deskundige van de VN, 30 juni 2011). Onderdanen van een lidstaat van de Europese Unie hebben recht op een minimaal menswaardig bestaan. Bezuiniging is niet alleen slecht voor de mensen, maar ook de koopkrachtdaling is slecht voor de economie. Een ernstige crisis is een prima gelegenheid voor de financiële elite om de algehele macht te grijpen. Het meest extreme scenario zijn rellen en totale anarchie met invoering van de noodwetten de staat van beleg “martial law”, de toestand waarin iedereen gearresteerd kan worden en waar alle burgerlijke vrijheden worden opgeschort en het bestuur bij het leger berust.

“de een zijn dood is de ander zijn brood!”

(Sociaal Darwinisme)

Sociaal Darwinisme als instrument voor crisisbeheersing. Het idee dat bij een ernstige internationale crisis de sterke de zwakkere uit de weg ruimen uit economisch oogpunt, (*IFUD of Human Rights gaat wel erg ver met zoeken van argumenten*). Het idee werd door Adolf Hitler misbruikt voor racistische politieke doeleinden. Het moet een waarschuwend signaal zijn voor het heden: “het tolereren in de Europese Unie van obsceniteiten op het internet van ministers van een Europese Lidstaat afgebeeld met hakenkruizen en SS-tekens” zou een aanloop kunnen zijn voor veel erger in de toekomst. In 2004 is er een handboek verschenen

“met recht discriminatie bestrijden”, hoe met dit onderwerp om te gaan. (met recht discriminatie bestrijden, derde druk, ISBN 90-5454-427-9, uitgever: Boom Juridische Uitgevers, Den Haag Nederland 2004) De Europese Commissie, (samen met het Europees Parlement) moet een inbreukprocedure starten bij het Europese Hof van Justitie tegen lidstaat Nederland op structurele schending uniewaarden. (De inbreukprocedure staat vermeld in het Verdrag van de werking van de Europese Unie, VWEU). *Bij een schending van de fundamentele waarden door een lidstaat die ernstig is in de zin van artikel 7 van het VEU, bestaat immers het risico dat de fundamentele waarden van de Unie en het vertrouwen tussen haar leden worden ondermijnd, ongeacht op welk gebied de schendingen begaan zijn, (Avis juridique important 52003DC0606. Mededeling van de Commissie aan de Raad en het Europees parlement over artikel 7 van het Verdrag betreffende de Europese Unie-Eerbiediging en bevordering van de waarden waarop de Unie is gegrondvest /*COM/2003/0606 def.*).*

De Parlementsleden kiezen een Europese Ombudsman die de klachten van burgers over wanbestuur door instellingen of organen van de Unie onderzoekt. Indien wordt vermoed dat het gemeenschapsrecht wordt geschonden, kan het Parlement ook besluiten een onderzoekscommissie in te stellen, (boekje “Het Europees Parlement”, Europese Gemeenschappen 2008, ISBN 928232298-X).

(financiële Europese subsidie fraude, met ernstige schade volksgezondheid en milieu)

In Lidstaat Nederland worden grote hoeveelheden valselijk geëtiketeerd arseenzuur en chroomtrioxide in tuin- en sloophout via de energiecentrales door verbranding als “groenestroom” (*illegaal en in overtreding met Europese regelgeving en uitspraken*) in het milieu gebracht dat sprake is van “eco-terrorisme”. Arseenzuur en chroomtrioxide (chroom VI) zijn in strijd met de Nationale wetgeving, Europese richtlijnen, verordeningen en Internationale Verdragen. Door geïmpregneerd hout (*zwarte-lijststoffen*) te vermalen tot houtspaanders geïmpregneerd hout bouw en sloopafval C-hout. Door dit te vermengen met schoonaafval A en B-hout zoals o.a. snoeiafval in tuinen en ander niet-geïmpregneerd hout... (*B-hout=geverfd, gelakt en verlijmd hout en A-hout=onbehandeld hout*). Het eindmengsel “biomassa” laat men uitgaan als “schone” gesubsidieerde brandstoffen “groenestroom” wat het niet is. Filters die worden gebruikt tijdens het vergassingsproces zijn o.a. (multi)cycloon, een electrostatische filter, een doekenfilter en/of een natwasser. Deze filters zijn bestemd voor schone brandstoffen, (*witte-lijststoffen*). De zwarte-lijststoffen in de biomassa schijnt men niet effectief te kunnen wegfilteren, speciaal de heel fijne uitstoot arseen etc. Nederlandse energiemaatschappijen en betrokken ondernemingen moeten de door Lidstaat Nederland verstrekte miljarden euro's geldelijke steunmaatregelen terugbetalen aan de Nederlandse Staat c.q. Europese Gemeenschap omdat die onverenigbaar zijn met het EG-Verdrag. De schendingen gebeuren geheel het systeem dat deze als structureel en langdurig systematisch zijn aan te merken. Een enorm propaganda systeem op kosten van de Europese belastingbetaler is hierbij het sluitstuk om de misdrijven en corruptie af te

dekken.Ontvangsbewijs data 20-10-2011 door Europese Commissie,met registratie onder nummer:19841,(gecombineerde Europese subsidie fraude en milieu).

(Jan van den Wittenboer,bundel “Tolerantie in Mierlo,1996)

[De les van gisteren moet een duidelijk signaal voor de toekomst blijven en om nieuwe fouten en herhalingen te voorkomen,moet iedereen waakzaam blijven voor de toekomst.Wat gisteren waar was,kan morgen opnieuw waarheid zijn en zij die weten en beseffen,staan zoveel sterker om toekomstige gevare af te wijzen.Churchill zelf schreef zijn kleinzoon eens,dat hij geschiedenis moest leren,want anders kan hij het heden niet begrijpe,en dat geldt voor iedereen nog steeds.Betere kennis is beter begrip en beter begrijpen is het voorkomen van vooroordelen en het voorkomen van racisme].

Op 30 juli 1998 zond Ik een exemplaar van de bundel “Tolerantie in Mierlo”,(samen met nog andere stukken) naar het “Nationaal Comité 4 en 5 Mei”,(nederland).Het Nationaal Comité 4 en 5 Mei berichte mij daarna op 19 augustus 1998;dat het statement over de waarde en de noodzaak van “de les van gisteren” (in het boekje “Tolerantie in Mierlo”) het Comité aansprak.Het Comité herkende daarin de drijfveer voor Haar activiteiten,(brief 19 augustus 1998,kenmerk:98/2035/140w).

(Irakoorlog 2003)

<http://www.archive.org/details/TweedeKamer-debat2010>

Te hopen valt dat uit het “rapport-Davids” (Irakoorlog 2003), de lessen worden getrokken voor de toekomst samen met de lessen die we al hebben geleerd uit de geschiedenis “Hitler’s Inferno”.Gezien de ernstige en voortdurende schending van de waarden waarop de Unie berust door Lidstaat Nederland,is IFUD of Human Rights geneigd tot twijfel.

Waarbij Ik onderzoeksvragen stel,

MET DE MEESTE HOOGACHTING

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PRESS RELEASE

International Holocaust Remembrance Day: the fight against right-wing extremism in Europe must continue

Brussels, 27 January 2012 – Today, on International Holocaust Day, the world commemorates the victims of the Holocaust. On this occasion, the European Network Against Racism (ENAR) calls on all European countries to follow the example of the German government by creating a central database of dangerous neo-Nazis.

The German government's commitment to take the fight against right-wing extremism seriously can be commended, although it comes years too late. This move is all the more important in the current climate of growing intolerance against ethnic and religious minorities and repeated incidents of racist violence across Europe. The 'never forget' promise made after the Holocaust continues to have a particular relevance today.

However, the creation of a database alone is not sufficient – it should be accompanied by effective action by state and police authorities to effectively prevent racist violence. For instance, in the case of

the murders of immigrants committed by a group of right-wing extremists in Germany between 2000 and 2007, officials knew of the neo-Nazi affiliation of some perpetrators, but failed to act on the links. The European Network Against Racism therefore calls on European politicians and decision makers to effectively address the rise and appeal of the far-right, which they have neglected, or worse, from whom they have borrowed ideas to gain votes. They also need to change the tone of the current public debate into a positive one, highlighting the benefits of diversity in European societies.

ENAR President Chibo Onyeji said: "The Holocaust showed the world what can happen if racism and prejudice are allowed to thrive. Recent events - from the tragic killings by far-right extremist Anders Breivik in Norway in July, to violent anti-Roma protests in Bulgaria and the Czech Republic in September and to the discovery of a series of murders committed by a neo-Nazi organisation in Germany since 2000 - confirm that these lessons still need to be learned."

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Notes to the editor:

1. The European Network Against Racism (ENAR) is a network of more than 700 NGOs working to combat racism in all EU member states. ENAR aims to fight racism, racial discrimination, xenophobia and related intolerance, and to promote equality of treatment between EU citizens and third country nationals.

2. In October 2005, 27 January was designated International Holocaust Remembrance Day by the United Nations. The UN resolution calls on member states to honour the memory of Holocaust victims and encourages the development of educational programmes about Holocaust history to help prevent future acts of genocide.

ODIHR.GAL/82/11
10 February 2012
ENGLISH only



**SUPPLEMENTARY HUMAN DIMENSION MEETING
Prevention of Racism, Xenophobia and Hate Crimes through
Educational and Awareness-Raising Initiatives**

10–11 November 2011

VIENNA

FINAL REPORT

2

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY 3

II. SYNOPSIS OF THE SESSIONS AND RECOMMENDATIONS 3

Opening Session 4

Working Session 1: Challenges and Perspectives for the Prevention of

Racism and Xenophobia	5
Working Session 2: Challenges in Combating Hate Crimes, Racism and Xenophobia: Role of Awareness-Raising Initiatives and Public Discourse	9
Working Session 3: Education for Tolerance and Mutual Respect and Understanding: Good Practices from Intergovernmental Organizations, Governments and Civil Society	12
III. ANNEXES	17
Annex 1: Agenda	17
Annex 2: Opening Remarks.....	19
Annex 3: Keynote Speech by Mrs. Doreen Lawrence.....	23
Annex 4: Biographical Information on Introducers and Moderators.....	27

3

I. EXECUTIVE SUMMARY

The third Supplementary Human Dimension Meeting (SHDM) in 2011 was dedicated to exploring educational and awareness-raising initiatives as key mechanisms for preventing racism, xenophobia and hate crimes. The meeting sought to assess current practices and to explore new strategies. It brought together 159 participants, including 107 delegates from 46 OSCE participating States, 4 representatives from 3 OSCE Partners for Cooperation, 38 representatives from non-governmental organizations, and 4 representatives from international organizations.

The meeting was organized into three working sessions:

- Challenges and Perspectives for the Prevention of Racism and Xenophobia;
- Challenges in Combating Hate Crimes, Racism and Xenophobia: Role of Awareness-Raising Initiatives and Public Discourse; and
- Education for Tolerance and Mutual Respect and Understanding: Good Practices from Intergovernmental Organizations (IGOs), Governments and Civil Society.

Discussions focused on a variety of themes, including the prevalence of racism, xenophobia and hate crimes in the OSCE area and contemporary challenges in combating these forms of intolerance. Participants proposed a number of key recommendations and best practice initiatives targeting a wide range of stakeholders. While participants underscored the obligations of participating States to protect individuals from intolerance, racist violence and discrimination, they also encouraged other stakeholders including civil society, sporting associations, the media and international organizations to engage in capacity building, awareness-raising and educational initiatives.

II. SYNOPSIS OF THE SESSIONS AND RECOMMENDATIONS

This section summarizes the discussions which took place during the opening session and the three thematic sessions and presents recommendations made by participants. The recommendations were directed toward a variety of actors, in particular OSCE participating States, OSCE institutions and field operations, civil society actors and members of the media. These recommendations have no official status and are not based on consensus. The inclusion of a recommendation in this report does not suggest that it reflects the views or policies of the OSCE. Nevertheless, these recommendations are useful indicators for the OSCE to reflect on how participating States are meeting their commitments to promote human rights in these areas.

4

OPENING SESSION

Opening remarks were delivered by Ambassador Renatas Norkus, Chairperson of the OSCE Permanent Council and by Ambassador Janez Lenarčič, the Director of the ODIHR, followed by the keynote speech of Mrs. Doreen Lawrence, OBE, Founder and

External Director of the Stephen Lawrence Charitable Trust.¹

Ambassador Norkus noted the prevalence of hate crimes, racism and xenophobia in the OSCE area and underscored that combating these problems is among the top priorities of the Lithuanian Chairmanship. He recalled that the Chairmanship had organized three high-level meetings on tolerance and non-discrimination issues. In addition, he said, the Chairmanship hoped to sponsor a Ministerial Council decision updating OSCE political commitments on these issues. He stressed the importance of education and awareness-raising as tools in combating racism and intolerance. He also pointed out that OSCE participating States have acknowledged that racism, xenophobia, anti-Semitism and other forms of intolerance, including against Muslims, Christians and followers of other religions, constitute a threat to stability and security throughout the OSCE region. In this regard, OSCE participating States have adopted a comprehensive range of commitments aimed at preventing and responding to this phenomenon while simultaneously promoting mutual respect and understanding.

Ambassador Lenarčič highlighted the threats to social stability posed by racism. He recalled OSCE commitments aimed at combating racism, xenophobia and hate crimes and noted the need for robust prevention programmes that include educational and awareness-raising initiatives. At the same time, he stressed that state authorities should ensure that such preventative measures and responses are congruent with the right to freedom of expression and do not criminalize speech. Ambassador Lenarčič mentioned a variety of programmes ODIHR has developed to assist OSCE participating States, including drafting educational guidelines for schools and the Training Against Hate Crimes for Law Enforcement (TAHCLE)² programme. In closing, he commented that the SHDM provided an opportunity to celebrate 2011 as the United Nations International Year for People of African Descent. In this regard, earlier in the day ODIHR had organized a roundtable event, with the assistance of the United States Mission to the OSCE that brought together representatives from the OSCE area who focus on issues affecting peoples of African descent and their communities.

The keynote speaker, Mrs. Doreen Lawrence, recalled her son's tragic death in 1993 in London and her 20-year quest for justice. Despite the time that has lapsed since his death, she said that this was the first time that she had recounted in their entirety the details of the racist murder of her 19-year-old son Stephen. Her contribution to the opening session emphasized the impact that hate crimes have on victims' families, communities, and

1 The texts of the opening session speeches can be found in Annexes 3 and 4. For further information on

Mrs. Lawrence's work in the area of combating racism and xenophobia, please refer to <http://stephenlawrence.org.uk/>.

2 Further information on the TAHCLE programme is available at <http://www.osce.org/odihr/77457>.

5

broader society. Mrs. Lawrence also underscored her struggle to combat various forms of institutional discrimination and prejudice, which ultimately resulted in the adoption by Parliament in 1999 of 70 recommendations aimed at addressing racism, including in schools and by the police. This was followed by the adoption of the Race Relations Amendment Act 2000. Mrs. Lawrence also discussed the work and achievements of the Stephen Lawrence Charitable Trust.

SESSION I: CHALLENGES AND PERSPECTIVES FOR THE PREVENTION OF RACISM AND XENOPHOBIA

Introducer: Ms. Ilze Brands Kehris, Director, Office of the OSCE High Commissioner on National Minorities

Moderator: Ms. Floriane Hohenberg, Head of the Tolerance and Non-Discrimination Department of ODIHR

Working Session 1 offered the participants an opportunity to explore current manifestations of racism and xenophobia in the OSCE area, and to discuss current challenges and perspectives regarding their prevention.

The session's introducer, Ms. Ilze Brands Kehris, noted the timeliness of the meeting given the prevalence of and contemporary challenges in combating racism and xenophobia in the OSCE area. While these are not new phenomena, the challenges of confronting them have been compounded by contemporary events. New challenges include the continued economic crisis, which has resulted in the increased "scapegoating" of asylum seekers, migrants and other visible minority members, the portrayal of migration as a threat to local populations, the rise of right-wing political parties and groups expounding nationalist and xenophobic ideologies, and a wave of counterterrorism laws and policies which utilise ethnic profiling in the law enforcement and security sectors.

While a robust legal framework has been developed since World War II to combat racism and discrimination at both international and regional levels, there have been shortfalls in implementation and enforcement and the pace of progress has been slow. Ms. Brands Kehris underscored the engagement of key actors, including governments and civil society, in the fight against racism. She also encouraged the co-ordination of regional responses, both to develop common approaches and to share best practices.

In the subsequent discussion, numerous participants stressed the importance of supporting educational initiatives to combat racism and xenophobia. In particular, they called for reform of school curricula.

Dr. Massimo Introvigne, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, noted that there is a danger that new forms of racism are being disseminated in public education systems.

6

Unlike older forms of racism, which were based upon false notions regarding race and eugenics, newer forms are increasingly tied to the notion of "ethno-culture". In this context, the concept of culture should be reclaimed and taught as one that is based on tolerance and respect for a diversity of cultures, rather than one based on ethnocentrism.

A number of participants expressed concern that the history of peoples of African descent, including the history of the transatlantic slave trade and the colonial histories of European states, is rarely if ever taught in public education systems in the OSCE area. Equally disconcerting, one said, is that Black Africans and peoples of African descent tend to be demonised and dehumanised when portrayed in school curricula. Several participants further expressed their concerns about the exclusion of African history from the public consciousness and from mainstream cultural forums such as museums. They called on participating States to support the creation of national days to commemorate the victims of the transatlantic slave trade and its abolition.

Hate speech and intolerance in public discourse also emerged as key themes. There were diverging views about the demarcation line between freedom of expression and hate speech. While participants noted the importance of condemning hate speech, intolerant discourse and the propagation of neo-fascist ideologies, there was little agreement about the role of criminal and/or civil legislation in prohibiting such speech. One delegate expressed concern regarding the spread of neo-fascist and neo-Nazi ideologies and noted an increase in public gatherings where these ideas are espoused.

There was also an appeal to participating States to revoke their reservations to Article 4

of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).³ Other participants expressed their concern that hate speech legislation should be approached with caution given the potential for such reform to stifle freedom of expression and the media. It was recommended that legislation clearly and narrowly define unacceptable speech in accordance with international law and standards so as to avoid an overly broad application of legislation which may silence free speech.

3 Article 4 reads as follows:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.” For full text please refer to <http://www2.ohchr.org/english/law/cerd.htm>.

7

Racist violence, and in particular hate crimes, were raised as serious and widespread problems. The tragic events in Norway were mentioned by a number of participants as an extreme example of racist violence. It was noted that the perpetrator chose to target Norwegian politicians in general and in particular those from the Labour Party for their work in combating xenophobia and racism.

Several participants also expressed concerns about ethnic profiling practices, in particular the targeting of peoples of African descent by law enforcement. Participating States were called upon to demonstrate, through both policy and action, their commitment to eliminating such practices. Institutional racism was also identified as a serious issue, with one participant asserting that there is widespread exclusion of certain groups in international forums and organizations, intergovernmental agencies and leadership positions.

Mrs. Lawrence, the opening session’s keynote speaker, urged political leaders to take more decisive action in protecting all citizens from racist-motivated violence. One delegate pointed out the impact that the murder of her son and the resulting judicial inquiry has had both on the criminal justice system in the United Kingdom and on hate

crime reform in the broader OSCE region. A number of other participants also referred to the testimony of Mrs. Lawrence, noting that it served as a stark reminder of the widespread impact of hate crimes and why it is necessary to combat racism in all of its manifestations.

The following specific recommendations were made in Session 1:

Recommendations to OSCE participating States:

- ☐ Participating States should implement OSCE commitments on the monitoring and reporting of hate crimes.
- ☐ OSCE participating States should collect and submit data regarding hate crimes to ODIHR for use in its annual report on hate crimes.
- ☐ When collecting data on hate crimes, participating States should produce disaggregated statistics based on ethnicity and religion.
- ☐ OSCE participating States that have not yet done so should enact laws that establish hate crimes as specific offences or provide enhanced penalties for bias-motivated violent crimes.
- ☐ OSCE participating States that have not yet done so should initiate law enforcement training programmes on responding to hate crimes, and should draw on the training expertise of OSCE institutions in this field.
- ☐ Participating States should uphold their commitments in the area of freedom of religion, anti-discrimination and freedom of expression.
- ☐ Participating States should support the creation of national days to commemorate the victims of the transatlantic slave trade and the trade's abolition.
- ☐ Participating States should ensure that school curricula is developed to reflect diverse histories, and in particular the histories of their student population.

8

- ☐ Political leaders throughout the OSCE region should condemn all forms of intolerance, racial discrimination, neo-Nazi and neo-fascist ideologies and develop national policies and strategies to address these issues.
- ☐ In order to uphold freedom of expression, hate speech legislation should clearly and narrowly define unacceptable speech in accordance with international law and standards, while protecting all other forms of expression.
- ☐ Participating States should consider revoking their reservations, if any, to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.
- ☐ Participating States should uphold their commitments and legal obligations to prohibit racial discrimination and eliminate racial and ethnic profiling as law enforcement and intelligence strategies.
- ☐ Participating States should consider utilizing parliamentary and power sharing initiatives which bring representatives from diverse ethnic groups to work together on common policy and legislative objectives.
- ☐ The OSCE should organize a high level conference on the risks and challenges posed by the dissemination of neo-Nazi and neo-fascist ideologies.

Recommendations to OSCE Institutions and Field Operations:

- ☐ ODIHR should conduct training on addressing hate crimes for educators, members of the media, civil society, law enforcement and other members of the criminal justice sector including prosecutors and judges.
- ☐ ODIHR should address and combat racial/ethnic profiling under its tolerancerelated mandate.

Recommendations to Civil Society:

- ☐ Civil society organizations should monitor and collect data regarding hate speech

and hate crimes.

- Religious leaders should condemn all forms of intolerance, including racism and xenophobia.

Recommendations to Members of the Media:

- Members of the media should engage in ethical, balanced and professional reporting which contributes to a culture of tolerance and respect.

- Employers in the media sector should ensure that they uphold their legal obligations to prohibit racial and other forms of discrimination.

- Media outlets and providers should ensure that opportunities are provided to traditionally excluded groups to participate in media production processes, including in film, the visual arts, print and written media.

9

SESSION II: CHALLENGES IN COMBATING HATE CRIMES, RACISM AND XENOPHOBIA: ROLE OF AWARENESS-RAISING INITIATIVES AND PUBLIC DISCOURSE

Introducer:

Mr. William Gaillard, Advisor to the President, Union of European Football Associations (UEFA)

Moderator: Dr. Rafal Pankowski, Deputy Editor, Never Again Association

Working Session 2 offered the opportunity for participants to discuss awareness-raising initiatives in public discourse aimed at combating hate crimes, racism and xenophobia.

The keynote speaker of the session was Mr. William Gaillard, whose presentation focused on UEFA's commitment to implementing social responsibility in football and to taking a leading role to combat racism and xenophobia in society as well as in sport. Mr. Gaillard mentioned the limitations facing football associations in addressing some of the crimes surrounding football events. He stressed that these limitations need to be recognized in order to clarify the tasks and roles of national and international football associations.

Mr. Gaillard acknowledged that the challenges include institutional discrimination within UEFA as well as within national football associations in Europe. He stressed that UEFA has introduced various positive action programmes and policies that address institutional racism, and which are aimed at awareness-raising. Football, like any other sporting activity, starts at the local and amateur levels and is regulated by highly autonomous national football associations. These national associations are independent and it is their responsibility to address local issues and not the role of UEFA to intervene in an ad hoc manner.

Mr. Gaillard also mentioned the adverse impact of the current economic crisis on confronting the issue of racism in football. The fact that many European economies are making drastic cuts to public spending has meant that many social awareness programmes have been scaled down. This in turn helps to explain the current social crisis in this area and the subsequent increase in racist and xenophobic incidents at football matches. There has been a troubling resurgence of racism and xenophobia in some places where the problem was thought to have been eradicated. Mr. Gaillard called for greater attention and awareness on the part of football clubs and their supporters, as well as awareness of such problems by law enforcement agencies.

The advent of the Euro 2012 European Football Championship has allowed UEFA to devote attention and resources to combating racism in football. Currently, UEFA is investing three million Euros in partnerships with national football associations and NGOs across Europe. This indicates the commitment of the association to addressing the problem and eradicating racism in football once and for all.

This thought-provoking intervention generated a number of questions and reactions from participants. Interventions focused mainly on the role of UEFA in addressing hate crimes and incidents at stadiums and at events related to football matches. One issue of concern is the role of fan clubs in propagating racist and anti-Semitic sentiments. Participants also raised the lack of specific and adequate sanctions, which allows such practices to continue unabated. Freedom of expression was also discussed and a number of suggestions were made regarding the role of the State and how States should intervene to limit the spread of racist and hate-fuelled speech on the Internet and through the media. A number of speakers offered suggestions to combat racism in football and sport and outlined some State initiatives in this regard. State authorities were encouraged to take such matters seriously. It was stressed, however, that football is not the root cause of hate crimes. Participants engaged in a discussion on the dissemination of hate on the Internet and how to prevent and respond to this phenomenon. Monitoring and shutting down websites that disseminate hateful content was the subject of a lively discussion among delegates. While some participants appealed to Internet providers to co-operate closely with civil society to remove hateful content from the Internet, others stressed the dangers of an approach that would give private companies the power to decide whether content is acceptable or unacceptable. All participants agreed that teaching young generations to be critical about the content of the Internet was the most sustainable approach. The recently inaugurated annual football tournament the “Clericus Cup” was also provided as an example of a best practice in confronting prejudice and intolerance. The tournament’s contestants are members of Roman Colleges, which are seminaries of the Catholic Church based in Rome. Increased contact among players helps to build bridges among communities, combat prejudice and foster tolerance and mutual understanding. An example of a best practice initiative presented by one speaker was the implementation of comprehensive training against hate crimes for law enforcement personnel in Poland in 2009 that stemmed from ODIHR’s Law Enforcement Officers Programme. This effort was complimented by hate crimes legislation. One delegate noted that the Russian Prosecutor’s Office has been working in a very decisive manner to combat hate crimes and xenophobia. The Russian judiciary, this speaker said, has handed out serious sanctions and punishments for hate crimes, while Russian authorities act decisively when public order violations occur including during authorized demonstrations and gatherings. While many participants agreed that stiff penalties for racist crimes are necessary, they agreed also that force alone is not sufficient in tackling the problem of hate crimes and xenophobia. Many speakers pointed out that prevention is also necessary. Prevention often works best when NGOs and governments collaborate in awareness-raising activities. A positive development mentioned by one participant is the increasing cooperation across the OSCE region between police forces and NGOs. Using football matches as a venue to draw attention to and raise awareness about hate crimes was cited as a good practice. At the same time, some participants deplored that elected officials and government representatives do not condemn harshly enough manifestations of intolerance and of hate taking place at sporting events.

Best practices from other sports were also highlighted. One delegate called attention to the “Rooney Rule” which has been implemented in American football leagues, as a positive example which might be utilized by other sporting associations. The rule requires that clubs must, at a minimum, interview one minority candidate for head coach positions. This rule has helped to overcome the networking challenge, break the “glassceiling”

and has changed the demographic of senior leadership in the sport. Furthermore, it has helped to increase the percentage of head coach positions held by minority members from 6 per cent to 23 per cent.

Some participants mentioned concerns about gender representation in football and within the UEFA hierarchy. Gender was also raised as an issue in terms of women as mothers responding to and dealing with the impact of racist and hate incidents that their children may face. Mr. Gaillard responded to these interventions and stressed that gender is a key issue and that over one million women are registered footballers (out of a combined total of 34 million overall). He also noted that there have been no studies regarding women and hate crimes in sport. While men are the overwhelming majority of transgressors, a small number of women do participate in hate crimes and incidents. Mr. Gaillard encouraged women to participate in football and attend matches and noted that UEFA has a number of incentives encouraging family participation in football.

During the question and answer phase of the session, Mr. Gaillard was provided with an opportunity to address some of the specific questions and issues raised regarding UEFA initiatives and policies. He mentioned that UEFA attempts to solve the most glaring issues related to racism and xenophobia and reminded participants that incidents that occur outside of the football stadiums do not fall within the remit of UEFA. He also stressed that since UEFA is not a member of the Fédération Internationale de Football Association (FIFA), it does not intervene in FIFA events such as the World Cup and World Cup qualifiers.

There were a number of other themes raised by participants during the session. For example, one speaker noted that racist incidents at major football clubs draw far greater public attention than ones that occur at smaller clubs and, in this regard, it seems that smaller clubs seem to “get away” with xenophobic incidents. It was also argued that the fines that football clubs are subject to are too small to act as a deterrent and it appears that there are inconsistent policies regarding different sized clubs. In this regard, the speaker urged, sanctions should be specified and consistently applied. Given that footballers are role models, they need to set an example both on and off the field and players who make racist comments off the field should also be subject to sanctions for their actions. In the realm of proactive and preventative measures, participants encouraged the engagement of footballers in positive initiatives which bridge cultural divides and diminish social tensions.

12

The following specific recommendations were made in Session 2:

Recommendations to OSCE participating States:

- ☐ Participating States should implement hate crimes law enforcement training programmes.⁴ Such programmes should include modules on hate crimes, sporting events and best policing practices.
- ☐ Participating States should engage in Internet monitoring initiatives which target online hate speech.

Recommendations to UEFA and National Football Associations:

- ☐ Football associations should subject members who are involved in racist acts and/or speech to strong sanctions in order to act as a clear deterrent. Such sanctions should be consistently applied.
- ☐ Football associations should work in collaboration to agree upon appropriate and effective sanctions.
- ☐ Hate crimes awareness-raising and anti-racist initiatives in football should involve peoples of African descent.
- ☐ Football associations should consider utilizing affirmative action initiatives such as

the “Rooney Rule” in their hiring processes.

SESSION III: EDUCATION FOR TOLERANCE AND MUTUAL RESPECT AND UNDERSTANDING: GOOD PRACTICES FROM IGOS, GOVERNMENTS AND CIVIL SOCIETY

Introducer: Mr. Oleg Smirnov, Chair of the Board, the Integration and Development Centre for Information and Research

Moderator: Ms. Felisa Tibbitts, Director, Human Rights Education Association (HREA)

The third working session presented participants with the opportunity to explore education and training as tools for preventing racism and xenophobia. Participants acknowledged that these tools are essential in the fight against intolerance and should be implemented in a comprehensive manner, targeting both formal and informal education and professionals in the media, law enforcement and criminal justice sectors. It was also noted that such an approach should be complemented and supported by a wide range of other strategies in monitoring and accountability involving legal frameworks and the protection of fundamental rights and freedoms.

The session’s introducer, Mr. Oleg Smirnov, described one of the comprehensive education programmes that his organization has successfully implemented in the Crimean region of Ukraine. Despite numerous challenges, including widespread intolerance, ethnic and religious tension, and the repatriation and reintegration of over 300,000 Crimean Tatars to the area, the organization has integrated its programme the “Culture of

4 Op. cit., note 4.

13
Good Neighbourhood” throughout successive stages of the public education system in the region.

The key objectives of the programme are to build student competences and skills throughout their education, including the cultivation of social and cross-cultural competences, conflict resolution and effective communication skills. The course also aims to challenge prevailing stereotypes and to expose children to the diverse histories, cultures and religions which are represented in the region. Central to the organization’s success was the mainstreaming of tolerance education throughout all phases of the education system and in different subject matters, teacher training and support, and the implementation of complimentary programmes targeting other community members. Mr. Smirnov underscored the importance of reaching out to and eliciting the support of parents, community members and State authorities.

Following Mr. Smirnov’s presentation, a lively discussion ensued, which enabled participants from the United States, Ukraine, Greece, Austria, France, Hungary, the Russian Federation, Sweden, Italy, Poland, Slovenia, the Holy See, Cyprus, Ireland, Lithuania, Armenia and Moldova to share best practices and explore new strategies. There was widespread agreement that schools have an essential role to play in carrying out teaching and learning in ways that prevent and combat racism and xenophobia and that human rights principles and norms should be integrated in school curricula, practices and policy. Speakers also emphasised that programmes to combat racism and xenophobia should involve not only teachers, students and educational personnel, but also parents, community members and community-based organizations and municipalities. This strategy, however, can be a challenge in states where educational systems are highly decentralised.

In the area of curricula reform, one delegate encouraged participating States to include history lessons which address genocide and crimes against humanity committed on the basis of ethnicity, race and/or religion. The speaker pointed out that it is only by recalling the past that we can avoid the repetition of such atrocities. There was some divergence in

opinion among participants regarding the role and nature of religious instruction and inter-religious education in the public sector. However, a number of interventions focused on the importance of teaching religion in a universal, neutral and objective manner that emphasizes a diversity of faiths.

Several delegates made reference to best practices in the area of educational integration and inclusion. In Greece, there are a number of pilot programmes targeting pre-primary and primary schools and aiming at integrating students from the migrant, refugee and Roma communities. In Hungary, it was noted that the State authorities have implemented a number of formal and informal civic education programmes. In the Russian Federation, a number of similar programmes have been implemented with the aim of introducing religion and secular ethics to students. In Poland, the Ministry of Education has sought the assistance of experts to train educators in confronting prejudice in the classroom.

14

Despite the showcasing of good practices, civil society representatives argued that very little progress has been achieved in these key areas. One participant, for example, called attention to the landmark European Court of Human Rights ruling in *D.H. and Others v. The Czech Republic*⁵, a case surrounding the systemic racial segregation of Roma children in the public schooling system. Despite the Court's ruling that the segregation of Roma children amounted to a breach of the non-discrimination protections in the European Convention on Human Rights, this issue remains a serious concern in a number of participating States.

Given the inconsistent application of human rights and tolerance education programmes throughout the OSCE area, it was suggested that increased co-ordination be sought in the region. One delegate called upon ODIHR to collect and publish best practices in the area of tolerance education. In this regard, participating States were encouraged to make use of the *Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practices*⁶. One participant proposed that regional standards might be created for the review of textbooks and learning materials to ensure that they are free from stereotypes, prejudice and hatred and, that they promote mutual understanding, respect and knowledge of one's own culture as well others. Finally, a speaker suggested that common definitions for such terms as tolerance, inter-cultural and human rights education be clarified and shared throughout the area.

While the discussion focused predominantly on the formal schooling system, participants asserted also that professional training and adult education initiatives are crucial in combating racism and xenophobia. Such initiatives include training and outreach programmes for parents and community members, anti-discrimination and hate crime training for law enforcement and educators, conflict resolution and cross-cultural communication training for educators, and diversity and cultural capacity training for members of the media.

The following specific recommendations were made in Session 3:

Recommendations to OSCE participating States:

□ Participating States should implement comprehensive educational programmes which promote tolerance, anti-discrimination and human rights in pre-school, primary, secondary and post-secondary schools. Programmes should aim to mainstream human rights standards through subject courses and extracurricular

5 The Grand Chamber judgment (Application no. 57325/00) was issued on 13 November 2007. For online

access to the full text of the judgment, please refer to

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=57325/00&sess>

[ionid=82337635&skin=hudoc-en.](#)

6 Developed jointly by ODIHR, the Office of the UN High Commissioner for Human Rights, the Council of Europe, the UN Educational, Scientific and Cultural Organization (UNESCO), and the Human Rights

Education Association (HREA), the Compendium provides a comprehensive description and samples of

successful initiatives in the field of human rights and democratic citizenship education. It is designed to

serve as a tool for educational policy makers and educators in the formal education sector. For more

information, including an online copy of the Compendium in English, please refer to

<http://www.osce.org/odihr/39006>.

15

activities. Complimentary initiatives including teacher training programmes and outreach projects targeting parents should accompany such programmes.

□ Teacher training programmes should aim to build the skills of educators to address bias and prejudices in the classroom and to engage in conflict resolution processes.

□ Participating States should conduct curricula, literature and learning material reviews to ensure that these teaching tools reflect the diversity of the student population, that they are free of prejudice and stereotypes and promote tolerance and non-discrimination. School curricula should include the history of peoples of African descent, the transatlantic slave trade, and the role of the participating States in colonization.

□ Training programmes should be implemented targeting law enforcement personnel with a view to ensuring that all law enforcement agents are familiar with antidiscrimination concepts and standards. Such programmes should aim to eradicate racial/ethnic profiling in the law enforcement sector.

□ Participating States should fulfill their obligations to explore ways to provide victims of hate crimes with access to counselling and legal assistance as well effective access to justice and remedies.

□ Participating States should implement programmes aimed at integrating new immigrant students into local schools. Such integration programmes should target the wider community as well.

□ Participating States should fulfill their legal obligations to prohibit racial discrimination in the area of education and ensure full access and inclusion for all students, regardless of their race, nationality or ethnicity.

□ Participating States should create guidelines for educators on how to respond to hate crimes and/or intolerance in the classroom.

□ Participating States should utilize ODIHR's *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*⁷.

□ Participating States should increase transnational efforts to combat hate on the Internet, and to combat the use of information technology to propagate hate or hate crimes.

□ Participating States should work to ensure that educators are representative of the diverse communities they serve. This diversity should be reflected at all staff levels in the education system.

□ Participating States should ensure that schools are accessible, in a physical, linguistic and cultural sense to students with diverse backgrounds.

- Cultural diversity should be celebrated in the classroom and educators should integrate practices of tolerance and mutual respect in all aspects of school life, including in classroom teaching as well as through extracurricular activities.
- Participating States should consider creating regional standards for the review of textbooks and learning materials to ensure that they are free from stereotypes, prejudice and hatred and, that they promote mutual understanding.
- In the area of human rights and democratic citizenship education, participating States should utilize the good practices produced in the *Human Rights Education in*

7 The publication is available at <http://www.osce.org/odihr/84495>.

16

*the School Systems of Europe, Central Asia and North America: A Compendium of Good Practices*⁸.

- In the area of educational policy and planning, participating States should make use of the Council of Europe's *Education for Democratic Citizenship and Human Rights Education (EDC/HRE)*⁹.

- Participating States should utilize the European Wergeland Centre's online library for resources in the area of human rights education.¹⁰

Recommendations to OSCE Institutions and Field Operations:

- ODIHR should conduct anti-discrimination and anti-hate crime capacity building training with civil society, members of the media, law enforcement personnel and other members of the criminal justice sector such as prosecutors and judges.

- ODIHR should design and implement projects on preventing racism, xenophobia, and hate crimes, and in particular educational, training and awareness-raising initiatives.

- ODIHR, in cooperation with the OSCE Representative on Freedom of the Media, should develop tools for media professionals on how to combat intolerance, racism and prejudice in the media and public discourse. These tools should include model codes of conduct for media professionals, and the collection of best practices in the area.

- During their official country visits, the Personal Representatives of the OSCE Chairperson-in-Office on tolerance issues should meet with representatives of the media and raise awareness of the impact of racism, xenophobia and intolerance.

Recommendations to Civil Society:

- Inter-faith and inter-communal initiatives and coalitions should be strengthened.

- Religious leaders should condemn all forms of intolerance, including racism and xenophobia.

- Community organizations involved in educational policy and planning advocacy should make use of the Council of Europe's *Education for Democratic Citizenship and Human Rights Education (EDC/HRE)*¹¹ and the European Wergeland Centre's online library.¹²

8 Op. cit., note 9.

9 The EDC/HRE Pack is a collection of documents, strategies and support documents for educators, educational policy planners, advocates and community organizations. For more information, including

online copies of the Pack, please refer to

http://www.coe.int/t/dg4/education/edc/3_RESOURCES/EDC_pack_en.asp.

10 For more information on the Centre's mandate and online resources, please refer to <http://www.theewc.org/library/>.

11 Op cit., note 12.

12 Op cit., note 13.

17

III. ANNEXES: ANNEX 1: Agenda

Supplementary Human Dimension Meeting

PREVENTION OF RACISM, XENOPHOBIA AND HATE CRIMES THROUGH EDUCATIONAL AND AWARENESSRAISING INITIATIVES

10–11 November 2011

Hofburg, Vienna

AGENDA

Day 1 10 November 2011

15.00 – 16.00 OPENING SESSION

Opening remarks:

Ambassador Renatas Norkus, Chairperson of the OSCE
Permanent Council, Lithuania's Permanent Representative to the
OSCE

Ambassador Janez Lenarčič, Director, OSCE Office for
Democratic Institutions and Human Rights (OSCE/ODIHR)

Keynote speech:

Mrs. Doreen Lawrence, Founder and External Director of the
Stephen Lawrence Charitable Trust, Officer of the Order of the
British Empire (OBE)

Technical information by **Ms. Floriane Hohenberg**, Head of the
Tolerance and Non-Discrimination Department of the
OSCE/ODIHR

**16.00 - 18.00 SESSION I: Challenges and Perspectives for the Prevention of
Racism and Xenophobia**

Introducer:

Ms. Ilze Brands Kehris, Director, OSCE High Commissioner on
National Minorities

18

Moderator:

Ms. Floriane Hohenberg, Head of the Tolerance and Non-
Discrimination Department of the OSCE/ODIHR

18.00 – 19.00 Reception hosted by the Lithuanian Chairmanship

Day 2 11 November 2011

**10.00 – 12.00 SESSION II: Challenges in Combating Hate Crimes, Racism
and Xenophobia: Role of Awareness-Raising Initiatives and
Public Discourse**

Introducer:

Mr. William Gaillard, Advisor to the President, Union of
European Football Associations (UEFA)

Moderator:

Dr. Rafal Pankowski, Deputy Editor, Never Again Association

12.00 - 14.00 Lunch

**14.00 - 16.00 SESSION III: Education for Tolerance and Mutual Respect
and Understanding: Good Practices from IGOs, Governments
and Civil Society**

Introducer:

Mr. Oleg Smirnov, Chair of the Board, the Integration and

Development Centre for Information and Research

Moderator:

Ms. Felisa Tibbitts, Director, Human Rights Education
Association (HREA)

16.00 – 16.30 Break

16.30 – 17.30 CLOSING SESSION

Reports by the Moderators of the Working Sessions

Comments from the floor

Closing remarks

17.30 Closing of the Meeting

19

ANNEX 2: Opening Remarks

Supplementary Human Dimension Meeting

**Prevention of Racism, Xenophobia, and Hate Crimes through Educational and
Awareness-Raising Initiatives**

Opening Remarks by Ambassador Renatas Norkus

Chairperson of the Permanent Council

Vienna, 10 November 2011

Excellencies,

Ladies and Gentlemen,

It is a great pleasure to welcome you, on behalf of the Lithuanian OSCE Chairmanship, to the third Supplementary Human Dimension Meeting on the Prevention of Racism, Xenophobia and Hate Crimes through Educational and Awareness-Raising Initiatives.

OSCE participating States have acknowledged that racism, xenophobia and other forms of intolerance constitute a threat to stability and security throughout the OSCE region.

Thus a comprehensive range of commitments have been adopted to promote mutual respect and understanding and to prevent manifestations of racism and xenophobia.

However, ODIHR's annual report *Hate Crimes in the OSCE Region – Incidents and Responses* shows that racism, xenophobia still threaten the security of individuals and social cohesion across the OSCE region.

Combating intolerance and discrimination, especially through educational and awarenessraising

measures, as well as freedom of expression and media are among the top priorities of the Lithuanian OSCE Chairmanship for this year.

Together with the ODIHR we have organized three high-level conferences on tolerance and non-discrimination this year: in March, we held a conference in Prague on confronting anti-Semitism in public discourse; in September in Rome, we organized an event on preventing and responding to hate incidents and crimes against Christians; and just two weeks ago here in Vienna, we held a conference devoted to countering intolerance and discrimination against Muslims in public discourse.

The strong interest shown in the 3 High Level meetings by the participating States and by civil society representatives reflects the importance of this topic for our Organization.

Sharing experience and identifying best practices are the necessary steps to address these issues in line with the commitments we have undertaken.

As a *follow-up* to these important events, the Lithuanian Chairmanship intends to engage in building consensus on updating the OSCE political commitments in the field of Tolerance and Non-Discrimination, notably by adopting a Ministerial Council decision on Countering Manifestations of Intolerance in Public Discourse. In our view this decision could base on the recommendations of the 3 High Level meetings on this topic.

The Chairmanship is also pleased to see that other parts of the OSCE family have also devoted attention to promoting tolerance and non-discrimination. In May, the OSCE Parliamentary Assembly recognized 2011 as the *International Year for People of African Descent*. The Resolution (AS (11) Res 17 E) reaffirms the responsibility of parliamentarians to speak out against intolerance and discrimination and to raise awareness of the value of diversity.

To be more effective, prevention of and responses to racism and xenophobia need to be focused and concrete. We must step up efforts throughout the OSCE area to address all manifestations of intolerance, and in particular hate crimes, in a timely and robust fashion. If we fail in this effort, intolerance has the potential to degenerate into conflict. Education and awareness raising initiatives are particularly powerful tools in combating racism and intolerance. It can prevent escalation and promote mutual respect and understanding. Actions in this field need to foster an appreciation of cultural, religious and ethnic diversity. Initiatives to combat racism and xenophobia are more effective if a broad range of actors, including public officials at a national and local level, civil society, church and religious leaders, sports or music celebrities are involved in the process. While a number of participating States have undertaken numerous efforts in this field, longer-term and more coherent approaches are needed if there is to be a real impact. It is my hope that today's meeting will provide a good opportunity to take stock of progress in this area, share best practices and generate ideas for making concrete progress in addressing remaining challenges.

I wish to thank the ODIHR Director Ambassador J. Lenarčič and his team for having prepared this meeting.

I thank you for your attention and wish you every success in your discussions.

Address by Ambassador Janez Lenarčič

**Director of the OSCE Office for Democratic Institutions
and Human Rights (ODIHR)**

Excellencies,

Ladies and Gentlemen,

It gives me great pleasure to welcome you here at this Supplementary Human Dimension Meeting on the '*Prevention of Racism, Xenophobia and Hate Crimes Through Educational and Awareness Raising Initiatives*'.

This SHDM provides us with the opportunity to – **first** – examine contemporary forms of racist and xenophobic intolerance, including hate crimes and state responses to it; **second**, it will allow us to review what kind of measures states have put in place to prevent manifestations of racism and xenophobia.

21

Nearly fifty years since the adoption of the International Convention for the Elimination of all Forms of Racial Discrimination, racist sentiments and behaviour continue to threaten social stability across the OSCE region. The tragic events in Oslo and Utøya in July are vivid reminders of this fact. Contemporary manifestations of racism, xenophobia and hate crimes are, for some “minority” communities, daily realities as can be seen for example by incidents affecting many Romani communities across the region.

ODIHR's annual hate crimes report shows that despite the various efforts made by participating States, hate crimes remain a significant problem in the OSCE region. Every year, a large number of people are killed, attacked or injured, and many properties are vandalised and damaged as a result of racist and/or xenophobic sentiments. Preventing and combating hate crimes must therefore remain a priority for states in the OSCE region. This places an extra burden of responsibility on state agencies to – now quoting from the MC Decision of 2006 – “*address the root causes of intolerance and discrimination ...*

through increased awareness-raising measures that promote a greater understanding of and respect for different cultures [and] ethnicities” (MC Decision 13/06).

Measures in this field – to prevent acts of intolerance – are necessary not only to protect the targets of hatred, but also to ensure social stability. Failure to do so can lead to deeprooted social tensions and conflicts and, in the worst-case scenario, conflicts that may degenerate into broader ethnic-based violence and a breakdown of the political order. This is an outcome we need to avoid and one of the many ways to do this is through raising collective social awareness of this threat.

Effective prevention strategies must include educational and awareness raising initiatives.

At the same time, state authorities will also have to make sure that their prevention measures and responses are compatible with the right to freedom of expression. Our collective preference in this organization is to deal with these issues through **robust prevention programmes** premised upon education and raising awareness in society about the dangers of racism, xenophobia, and hate crimes – and **not through the criminalization of speech**.

Participating States have acknowledged this and have sought the assistance of ODIHR in implementing a number of programmes:

- Let me mention here TAHCLE, our Training Against Hate Crimes for Law Enforcement;

- our Guidelines for educators to combat Anti-Semitism and Intolerance against Muslims, respectively, in school settings;

- and our ongoing hate crimes capacity-building workshops and trainings for state officials, NGOs, and civil society.

Other preventative measures include media awareness and monitoring, promotion of tolerance and mutual understanding through education, community engagement, and the

22 promotion of rights-based approaches in education and awareness-raising initiatives.

Various educational programmes addressing intolerance in schools and local communities have been designed and implemented in the OSCE region over the past few years.

In addition, **political leaders** bear a special responsibility in raising awareness about the dangers and unacceptability of racism and xenophobia. They should vocally and clearly condemn racist and xenophobic sentiments when they are voiced in public and political discourse.

Adopting such a holistic approach can enable states to **counter calls** for the criminalization of speech as a response to intolerant public discourses which we see across the OSCE region. Any state intervention must be nuanced and sensitive enough to capture the subtleties and address the challenges involved.

Let me also mention that with the advent of major international sporting events in 2012 – the EURO 2012 and the Olympics –, it will be useful for us to hear about examples of awareness-raising and initiatives to **combat racism in sport**.

Ladies and gentlemen,

This SHDM also serves to celebrate 2011 as the Year for People of African Descent (YPAD) as proclaimed by the United Nations General Assembly in 2009. In this regard, earlier today, ODIHR organized, with the kind assistance of the US delegation, a roundtable event that brought together key participants focusing on issues affecting people of African descent and their communities across the OSCE region. We look forward to hearing their recommendations over the course of the next day and-a-half.

Thank you.

ANNEX 3: Keynote Speech by Mrs. Doreen Lawrence

10th November 2011

Prevention of Racism, Xenophobia and Hate Crime through Educational and Awareness-Raising Initiatives

I would like to thank OSCE for inviting me to attend this very important event and to talk about my story surrounding Stephen's murder and of how my son's name has made many major changes in the British justice system and beyond. What I have said many times is that I never set out to change laws or to be recognized when I go out, but just to get justice for my son who was murdered for no other reason than because of the colour of his skin.

Eighteen years and five months ago my son Stephen was killed as he made his way home on the 22nd April in 1993. I must say this is the first time in eighteen years that I am about to tell the story from the beginning.

It was a Thursday evening and I had just arrived back from a field trip to Birmingham for my degree course. The day was very pleasant and I spent my spare time discussing my children with other mature students. I was happy and looking forward to going home as I had been away for the last two days.

I was picked up at the drop off point by my ex-husband at about 8.30pm. At arriving home I went up to see my son (16 years old at the time) who was still up and we chatted for a while and then my daughter (10 years old at the time) was asleep. Stephen was out as he was 18 years old at the time and therefore he was allowed to be out till 10.30pm during school the week. I was not concerned that Stephen was not in and I went and had a bath before having something to eat. I then settled down to watch the news and to wait for Stephen to come home before going off to bed.

As most parents would dread the knock on the door and then to be faced with someone who you were not expecting. It was a young man with his father from the area where we live. What was said has stayed with me all these years. I was not the one who opened the door my ex-husband did and I was still up stairs in the living room. All I heard was Stephen's name and I must have taken two steps at a time because I don't know how I reached down the stairs so quickly. I push my ex-husband out of the way as you can see I am 5ft 1ins and he is 6ft 2ins. The young man said your son and his friend were attacked near the bus stop down Wellhall Road. He mentioned the Welcome Inn pub and the bus stop. The father said I think you should call the police because they may have more information to give you.

I put on my coat over my nightdress and both my ex-husband and I got into our car to look for Stephen. Before we left I did call the police but they said they did not know what I was talking about because they had not received any information on this matter. We drove down to the area we were told and saw nothing. We thought maybe Stephen

24

had made his way to the hospital because it was not far away. We turned around and drove to the hospital. While my ex-husband went to park the car I walked into the hospital to look for Stephen. I knew the hospital well as I was often there for one thing or another. When you have children they are always doing something, either swallowing money, climbing trees or taking off the skin in an accident.

I walked into the hospital and went round to the accident and emergency department. When I first entered the hospital I did see a police officer and a young black man but I did not recognize him as I was looking for Stephen. I was just about to walk out of the hospital to say to my ex that Stephen is not here when he recognized Dwayne Brooks the young man that had been with Stephen. At the same time a medical staff member came out and asked Dwayne "what did they hit him with"? We were totally ignored by

everyone. I asked if we could see Stephen and said we were his parents. A medical staff showed us into a room to wait.

It would be another fifteen minutes or so before they came back into the room to say that Stephen had died. After that I can not say the length of time that had passed before we made our way home. I should say during that time even though there was a police officer at the hospital he did not approach us to make any inquiry of who we were. We went home to find our other son awake. We had to break the news to him. The rest of the night is a blank. Early next morning our daughter woke to find her dad on the phone talking about Stephen passing and started to scream running up the stairs not knowing what to do.

The weeks that followed was heart breaking to see that the police showed no interest in finding Stephen's killers? The house and area where we lived we had been there for fifteen years without me having any idea of the racism that existed around me. One of things I noticed is how people around are able to hide their true feelings. This was clear after Stephen died because most of my neighbours completely ignored us, they did not say we are sorry about your son even though their children would have been in the same class at primary school.

The days turned into weeks then months without Stephen's killers being arrested. The reason the police gave was that there was a wall of silence. During that time we had people coming to our house saying that they know who the killers are; they would give us names and addresses all this information was passed directly to the police. People would leave notes with names on it on police cars. Within twenty four hours someone walked into a police station with information and the senior officer who was working on the case turned the man away.

At one of my visits to the police station I copied the names down and handed it to one of the police officers who were in the room at the time. That officer proceeded to fold the paper into squares that was so small that it resembled the size of a postage stamp. This officer did not know that I was watching him and as I was about to leave the room I said "you are going to put that in the bin now aren't you". The officer was shocked to know

25

that I was watching him and he quickly smoothed out the paper and said that the police take all information seriously.

The coroner was able to demonstrate the folding of the paper at the inquest in 1997. This is just one of many incidents of police institutional racism that took place over the years of police investigating Stephen's murder. At the inquest in 1997 a police officer who was in charge of the third investigation stood up and lied in front of the jury that as far as he was concerned, the first police investigation into Stephen's murder went well except for the relation between the family and the police liaison officers. Clearly that was not true and I believed that's what led to the setting up of the inquiry in 1997. I was outraged that a police officer who was working very closely with our legal team when we were mounting the private prosecution, and who led us to believe that there were serious flaws in the first investigation, should say what he did. The Labour Party who was in opposition at the time indicated that if they were to be elected at the next general election they would set up a public inquiry into the murder of Stephen. The Labour Party did win the election in 1997. The inquiry's brief was to "looking into the murder of Stephen Lawrence and lessons to be learnt".

The inquiry started with preliminary hearing in October 1997 and in full March 1998 at Elephant & Castle, London. The inquiry lasted nine months taking evidence from the police, community members and organizations who had an interest in race relation. The report had 70 recommendations and was presented to the House of Parliament on the 24th

February 1999. The Labour Government accepted all the recommendations and a steering group were set up to implement the recommendations. The majority of the recommendations were for the police and institutions including schools. The sad thing is many of the recommendations are still out standing and those that were implemented have been rolled back relating to the police. In relation to schools the recommendation was for schools to report and record all racial incidents that happens alas this was never implement mandatory that left it open for some schools doing nothing. Schools who take the recommendation seriously sign up to the Stephen Lawrence Education Standard for primary and secondary schools.

For any of the recommendations to be implemented you have to rely on the Government to take the initiative to lead. In 1999 when the 70 recommendation was announced the Government of the day accepted them and there were buzz from institutions. For the first time institutions felt they had a definition that they can work with "Unwitting". As the years has pasted it seemed to a rolling back of the recommendations with a complete about turn on "stop and search" or stop and account as they would like to call it now. Sir Ronnie Flannigan was tasked by the last Government to cut the bureaucracy of the form filling and recording of the stop and account recording. The percentages of stops are as high as it was before the Inquiry took place. Not much has change regarding reducing the number of stops for the ethnic minority especially young black men.

Two of the main changes are the Race Relation Amendment Act 2000 that brought all organizations included the police under the act and the Double Jeopardy that allows an individual to be tried again if they were found not guilty.

26

The struggles and fight over the years have taken their toll but the laws that were changed as a result of the Inquiry have made a remarkable difference to people.

You may or may not know that two out of the five men who were identified as being responsible for Stephen's murder will be going on trial in November. The investigation has been ongoing over the years. I can not say any more than that even though I am sure there are lots going on behind the scene.

My children had to grow up in the shadow of Stephen's case over the years and I can only say it is with the grace of God that they have grown up leading a near to normal life and have their own family.

What I can talk about is the work of the Stephen Lawrence Charitable Trust that was set up in Stephen's name in 1998 to support young people into the profession of architecture, an area that Stephen wanted to join. We are an educational charity that wants to support young people to achieve their aims in life. Since 1998 the Trust has not just focus on architecture but also on the built environment. What we do is to provide financial support to students entering university. To date the Trust has supported up to a 100 students at different stages of their education. The Trust support students in three different countries, Jamaica, South Africa and the UK. We now have eight students who are fully qualified.

The Trust will continue to focus on architecture and the built environment with us moving into providing the same level of commitment for other professions that have under representation. The Trust has its own purpose built building where our office is based and from where we can deliver our programmes. The building is well equipped with high tech equipment, lecture room, Mac and PC rooms. As we move forward the Trust is looking to be a Centre of excellence in delivery high quality educational programmes and for us to have the impact on social justice as Stephen's name has had on criminal justice.

The Trust is committed to providing opportunity and access to disadvantaged young

people; fostering positive community relationships, and enabling people to realise their potential. Through creative methods the Trust addresses the causes of urban decay; youth disaffection and educational underachievement and support young people by developing pathways into aspirational and sustainable employment. We intend to do this through widening the vision of the Trust in Ready for Life, Job Ready, Professionally prepared, Ready for Business and Ready to Lead. We see this as creating a whole person, who is confident in themselves to achieve their aims and ambition in life. That is what we all want in life.

27

ANNEX 4: Biographical Information on Introducers and Moderators
Supplementary Human Dimension Meeting
PREVENTION OF RACISM, XENOPHOBIA AND HATE
CRIMES THROUGH EDUCATIONAL AND AWARENESS-RAISING
INITIATIVES

10–11 November 2011

Hofburg, Vienna

Biographical Information: Speakers and Moderators

Keynote Speaker:

Mrs. Doreen Lawrence, Founder and External Director of the Stephen Lawrence Charitable Trust, Officer of the Order of the British Empire (OBE)

Mrs. Lawrence was born in Jamaica and migrated to the United Kingdom at an early age. After leaving secondary school, she married and gave birth to three children: two boys, Stephen and Stuart and a daughter, Georgina. After raising her children, she returned to complete her studies as a mature student, embarking on a Bachelor of Arts in Humanities Honour degree in 1993. During the first year of her studies, her son Stephen was murdered in a suspected racially motivated attack. In the face of this tragedy, Mrs. Lawrence continued her studies while advocating for justice for her son. Part of her advocacy efforts involved challenging the manner in which the initial investigation into her son's murder was conducted, and in particular exposing institutional racism within the criminal justice system and policing practices.

After the initial investigation into her son's murder, five suspects were arrested but never convicted. Due in large part to her tireless efforts, in 1997 a judicial inquiry was conducted into the initial investigation by Sir William Macpherson. Published in 1999, the inquiry examined the original investigation into her son's murder, concluding that the police investigation into Stephen Lawrence's murder was seriously flawed due in part to a combination of institutional racism and professional incompetence. The final report set out seventy recommendations for reform, including recommendations aimed at eliminating racial prejudice and increasing fairness in policing and the criminal justice sector.

On 18 May 2011, it was announced that one of the original suspects, and another man, are to stand trial for the murder.

28

After completing her studies, Mrs. Lawrence worked as a Domestic Violence Advisor in the voluntary sector. In 1998, she continued her studies and in 1998 gained a postgraduate certificate in Counseling Skills and later obtained a diploma in Therapeutic Counseling.

In 1998, Mrs. Lawrence founded the Stephen Lawrence Charitable Trust in her son's memory and now acts as its External Director. The mandate of the Trust is to provide bursaries to young people who are interested in pursuing their studies in architecture, a passion and goal of her son Stephen Lawrence's. In addition to her work with the Trust,

Mrs. Lawrence also established the Stephen Lawrence Centre, an organization dedicated to providing a broad range of professional and vocational skills to youth and support to a wide range of community groups and artists.

Mrs. Lawrence is a frequent public speaker, and has conducted numerous presentations in the educational and non-governmental sector. She has been awarded with five honorary degrees and is an Officer of the Order of the British Empire (OBE).

SESSION I: Challenges and Perspectives for Prevention of Racism and Xenophobia **Speaker:**

Ms. Ilze Brands Kehris, Director, OSCE High Commissioner on National Minorities

Ms. Brands Kehris joined the OSCE High Commissioner on National Minorities as Director in 2011 and served as the chairperson of the European Union Agency for Fundamental Rights (FRA) Management Board since 2009. She was vice-chairperson of the Management Board of the European Union Monitoring Centre on Racism and Xenophobia (EUMC) from 2004 to 2007, and has since been a member of the FRA's Executive Board. She has also been a member of the Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities since 2006, where she holds the position of first vice-president.

She was the Director of the Latvian Centre for Human Rights from 2002 until 2011, a non-governmental organization active in the areas of civil liberties, fundamental freedoms, human rights in closed institutions, asylum, anti-discrimination and minority rights. Her own research focus has been on minority rights, citizenship, antidiscrimination and intolerance.

Moderator:

Ms. Floriane Hohenberg, Head, Tolerance and Non-Discrimination Department, OSCE ODIHR

Floriane Hohenberg has been working for ODIHR since 2005. She has been the Head of the Tolerance and Non-Discrimination Department since 2009. From 2000 until 2004 she

29
was the Head of the Representation in Germany of the French Commission for the Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation. Between 1998 and 1999 she participated in a study commissioned by the French government on the extent of the confiscation of Jewish assets in France during World War II.

SESSION II: Challenges in Combating Hate Crimes, Racism and Xenophobia: Role of Awareness-Raising Initiatives and Public Discourse

Speaker:

Mr. William Gaillard, Advisor to the President, Union of European Football Associations (UEFA)

As part of his responsibilities with UEFA, Mr. Gaillard advises the UEFA President on political matters and oversees all activities relating to external communications. This includes the international media, relations with the European government authorities as well as UEFA's social responsibility and charity programmes.

Educated, inter alia, at Sciences Po Paris, The Johns Hopkins School of Advanced International Studies and Harvard University, William Gaillard has had a multi-faceted international career in both the public and private sectors. His diverse professional experiences include his work as Chief of External Relations for the Multinational Force and Observers (1983), Head of External Relations for the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) (1985) and Director of Communication and Political Affairs for the UN International Drug Control Programme (1990).

Mr. Gaillard joined UEFA in 2004 as the Director of Communications and Public Affairs and was appointed Senior Adviser to the President in 2009.

Moderator:

Dr. Rafal Pankowski, Deputy Editor, Never Again Association

Dr. Pankowski has served as deputy editor of “Nigdy Wiecej” (Never Again) magazine since 1996. He has published widely on racism, nationalism, xenophobia and other related issues. His publications include the books *Neo-Fascism in Western Europe* (1998), *Racism and Popular Culture* (2006) and *The Populist Radical Right in Poland: The Patriots* (2010). He currently works as a lecturer at Collegium Civitas and head of the Warsaw-based East Europe Monitoring Centre set up by the NEVER AGAIN Association in cooperation with the Football Against Racism in Europe network. He is the coordinator of the RESPECT Diversity campaign supported by UEFA in the lead up to the European Football Championships in Poland and Ukraine in 2012.

30

SESSION III: Education for Tolerance and Mutual Respect Understanding: Good Practices from IGOs, Governments and Civil Society

Speaker:

Mr. Oleg Smirnov, Chair of the Board, the Integration and Development Centre for Information and Research

Mr. Smirnov is a candidate in Philology (Odessa State University, 1991) and an associate professor of the Department of Inter-Language Communication and Journalism at Tavrida National University. He currently serves as head of the Board of the Integration and Development Centre for Information and Research (Max van der Stoep Award Winner in 2009) and the Regional Resource Agency “Crimea-Perspective”. From 1997 until 2003, Mr. Smirnov was the Director of the programme “Integration of Formerly Deported Crimean Tatars, Armenians, Bulgarians, Germans, Greeks into Ukrainian Society” at the International Renaissance Foundation, where his responsibilities included the development of programme strategies, and project proposals.

Mr. Smirnov’s research interests are largely focused on ethnic relations in Crimea, methods of early conflict prevention, education and the management of diversity practices in the Crimea region. He has participated in a number of diverse projects including the Council of Europe “Universities as sites of Citizenship” Project (1999 – 2000); the US Institute of Peace “School of Peace” Project at the Tavrida National University (2000 – 2001) and the joint project initiated by the Tavrida National University and the George Mason University (USA) on the introduction of conflict resolution and peacebuilding courses for students of Crimean Universities (2000 – 2003). Mr. Smirnov has also been heavily involved in the OSCE High Commissioner for National Minorities initiatives “Management of Inter-Ethnic Relations in Crimea” (2006 – 2010) and “Supporting Inter-Cultural Education in Crimea” (2006 – 2013).

Mr. Smirnov has presented the results of his research at more than 30 international conferences. Throughout his professional career, he has remained committed to promoting intercultural educational methodologies in the region, and has worked with such diverse stakeholders as civil society representatives, national community leaders, school teachers and government officials.

Moderator:

Ms. Felisa Tibbitts, Director, Human Rights Education Association (HREA)

Ms. Tibbitts is co-founder and co-director of Human Rights Education Associates (HREA), and is also engaged as Adjunct Lecturer at the Harvard Graduate School of Education and the UN University for Peace where she teaches courses on human rights

education. At the Harvard Kennedy School of Government she co-teaches a course with the director of the Carr Center for Human Rights Policy called “Human Rights Tools for Practice”.

31

Ms. Tibbitts has carried out trainings in over 20 countries and provided technical assistance or served as a textbook author in educational initiatives in Albania, Bosnia and Herzegovina, China, Croatia, El Salvador, Estonia, Gaza, Kosovo, Northern Ireland, Morocco, Romania, Ukraine and the United States. Ms. Tibbitts has published numerous articles, manuals and book chapters in the area of human rights education and contributed to the development of policy documents for the United Nations.



Organization for Security and Co-operation in Europe
PARLIAMENTARY ASSEMBLY

ROTTERDAM DECLARATION

OF THE

OSCE PARLIAMENTARY ASSEMBLY

AND

RESOLUTIONS ADOPTED

DURING THE TWELFTH ANNUAL SESSION

ROTTERDAM, 5 TO 9 JULY 2003

PREAMBLE

We, Parliamentarians of the OSCE participating States, have met in annual session in Rotterdam on 5-9 July 2003 as the Parliamentary dimension of the OSCE to assess developments and challenges relating to security and co-operation in Europe, in particular the role of the OSCE in the new architecture of Europe, and we offer the following views to the OSCE Ministers.

We wish every success to the next OSCE Ministerial Conference in Maastricht in December and bring to its attention the following declaration and recommendations.

THE ROLE OF THE OSCE IN THE NEW ARCHITECTURE OF EUROPE

CHAPTER I

POLITICAL AFFAIRS AND SECURITY

The OSCE Parliamentary Assembly:

1. Reaffirming the positive role of the OSCE in the new security architecture of Europe,
2. Noting the importance of further developing and reforming the OSCE's field activity,
3. Pointing to the pivotal role of the OSCE, as a regional security organization under Chapter VIII of the United Nations Charter, in safeguarding and upholding universal principles of international law enshrined in the Charter,
4. Recalling that long-standing international problems in the OSCE area constitute a permanent threat to security and stability in the OSCE region and, by extension, to international peace and security,
5. Welcoming in this respect the commitment of the OSCE, reaffirmed in the Porto Ministerial Declaration, to intensify efforts to resolve persistent conflicts in the OSCE area that threaten observance of the OSCE principles and have an impact on peace and stability,

6. Reiterating calls in the OSCE Parliamentary Assembly Paris (2001) and Berlin (2002) Declarations for increased inter-institutional co-operation with the UN, EU, NATO, CE and CIS, based on the Platform for Co-operative Security,
7. Reaffirming the importance of close inter-institutional co-operation at both headquarters and field level,
8. Noting that the real strength of the OSCE lies in its capacity to respond to security threats and challenges and its strong field presence,
9. Stressing the real strength of the OSCE also as a forum to encourage governments to take actions necessary to implement the OSCE commitments freely undertaken from the Helsinki Final Act to the present,
10. Reaffirming the constructive and positive role played by OSCE Missions in helping their host states fulfil their OSCE commitments,
11. Keeping in mind that efficiency in achieving objectives should be the primary consideration for all organizations when undertaking projects,

The OSCE Parliamentary Assembly:

12. Stresses the importance of co-ordination between international organizations and of avoiding wasteful duplication by focusing attention on those areas in which each organization has comparative advantages;
13. Emphasizes that the OSCE, with its comprehensive security approach, has particular competence to support nation-building and to empower populations to participate actively in the democratization process;
14. Welcomes the increasing co-operation between the major security organizations in the OSCE area on the basis of the Platform for Co-operative Security;
15. Encourages the strengthening of transatlantic co-operation;
16. Welcomes the proposed opening of an OSCE Liaison Office in Brussels to improve co-ordination with international organizations;
17. Recognizes that the security architecture of Europe is constantly undergoing development; emphasizes the need for flexibility in the division of labour between international organizations, and specifically the need to demonstrate a willingness to cede projects to other, more suitable, organizations; and believes that, at the same time, project funds of other organizations could, where appropriate, be used by the OSCE's strong field missions;
18. Declares itself in favour of developing relations and co-operation of the OSCE with the Mediterranean and Asian Partners for Co-operation and other neighbouring countries, with a view to promoting OSCE values, achievements and methods;

19. Calls upon the OSCE to stand firm by its fundamental principles and norms, set out in the Helsinki Final Act and subsequent documents, as the guiding principles of its overall contribution towards shaping the new European security architecture;
20. Emphasizes the importance of universal and equal application of OSCE principles and commitments;
21. Calls upon OSCE institutions to strive for a greater geographical balance in their work;
22. Encourages continued focus by the OSCE on issues of common interest to all participating States, and applauds the Netherlands OSCE Chairmanship's focus on trafficking;
23. Notes the opportunities for the OSCE to address the common interest all participating States have in preventing the spread of weapons of mass destruction and their means of delivery, and to prohibit the illicit sales of conventional weapons, including small arms and light weapons, in violation of United Nations resolutions, in particular by encouraging and vigorously reviewing compliance with the decisions on non-proliferation and arms transfers taken by the OSCE Ministerial Councils in Prague in 1992 and Porto in 2002 and at the Budapest Summit in 1994;
24. Urges all OSCE participating States to reconsider calls for zero real budget growth in the Organization;
25. Calls upon the OSCE to ensure a transparent and balanced budget;
26. Stresses that providing OSCE Field Missions with adequate funding and high-quality staff is necessary for upholding the credibility of the Organization;
27. Welcomes the current efforts of the OSCE to give the field missions greater budget responsibility and budgetary independence;
28. Highly recommends that the OSCE Permanent Council be requested to consult the OSCE Parliamentary Assembly prior to making a decision to terminate any OSCE field office and that, in this connection, the President of the OSCE Parliamentary Assembly be afforded sufficient time for him to despatch a delegation of the OSCE Parliamentary Assembly to the country concerned to assess the situation and report back to the President;
29. Reiterates appeals in the OSCE PA Bucharest Declaration (2000) for the OSCE to reduce reliance on seconded personnel;
30. Expresses concern at the geographical imbalance which results from the secondment system, in that it relies on the ability of individual participating States to bear the costs for international staff members;

31. Welcomes the domestic capacity-building which results from international staff positions being assumed by local officials;
32. Suggests that the OSCE focus its work in South-Eastern Europe on the areas of governance and capacity-building;
33. Welcomes the increasing focus by the OSCE on policing matters, and applauds the establishment of the Strategic Police Matters Unit as a useful co-ordinating body;
34. Urges that, in line with any future requirements, appropriate capacities in the area of border management/border security be built up at the OSCE Secretariat through the creation of a corresponding work unit.

CHAPTER II

ECONOMIC AFFAIRS, SCIENCE, TECHNOLOGY AND ENVIRONMENT

35. Noting that, as it enters the twenty-first century, Western Europe is achieving integration and the creation of a space conducive to the constructive interaction of nation States in pursuit of common objectives and interests,
36. Greatly valuing the efforts of States to achieve further integration into European and Euro-Atlantic structures and to strengthen security, stability and democracy,
37. Recognizing that the primary responsibility for political and economic progress lies with the authorities and inhabitants of the regions, welcoming in that connection the improvement of good neighbourly relations and the deepening of regional co-operation, and emphasizing the need for further intensification of efforts to ensure that progress becomes irreversible and continues for the purpose of achieving common goals through the observance of mutual commitments and shared values,
38. Being fully aware that an opportunity is being created for a great single market offering the possibility of scientific and technical co-operation and the free movement of goods, capital, services and persons, all of which is becoming an additional source of growth and greater economic effectiveness, is being created,
39. Noting that the economic and currency union on the basis of which the euro was introduced as a new common currency as from January 1999 marks a qualitatively new frontier in the process of further integration,
40. Emphasizing that Western Europe has firmly taken its place in the world economy as a major integration centre interacting with the world economy and exerting a considerable effect on the conditions of international trade,
41. Stressing that the further enhancement of the Economic and Environmental Dimension of the OSCE, as an integral part of its comprehensive security approach, constitutes an essential prerequisite for the OSCE's substantial contribution to the new European Security Architecture,
42. Highlighting the substantial role of the OSCE in further promoting the regional and subregional co-operation framework to address economic and environmental threats to security in the OSCE region, and highlighting the significant input of the OSCE Parliamentary Assembly Subregional Economic Co-operation Conferences to this end,

43. Emphasizing that within the OSCE several subregional organizations of States have been formed and are in operation, within which a single spatial approach to regional development, the principles of sustainable development and environmental security is being formulated,
44. Noting the achievements of integration, which has promoted the growth of the political authority and influence of Western Europe in the world, particularly in Central and Eastern Europe, a development that has led to the desire of some 15 additional European countries to join the European Union and NATO as it expands to the East,

The OSCE Parliamentary Assembly:

45. Emphasizes the rise both in Eastern and in Western Europe of new risks and challenges, both external and internal, for which prompt and effective solutions will have to be found in the future;
46. Notes that a major challenge is that of globalization, which is difficult to define and is at the initial stage of its development, many of its manifestations being nevertheless already clear and making it necessary to restructure the human habitat:
 - Revolutionary achievements in electronics and related areas as the basis for the creation of a modern worldwide information space;
 - The very rapid development of the means of communication and transport to permit the free movement of persons throughout the world and the delivery of goods and services;
 - The sharp acceleration in the internationalization of production in branches engaged in the manufacture of high-technology goods;
 - The need to establish and develop a worldwide money market and capital market, without which the contemporary internationalization of production is simply unthinkable;
47. Calls upon the OSCE to make full use of its role as a forum for political dialogue among major international economic institutions towards substantially assisting developing countries in their efforts to achieve sustainable development and meet the challenges of globalization;
48. Calls on all OSCE participating States to implement their commitments under the Helsinki Final Act, the Charter of Paris for a New Europe, the 1990 Document of the Bonn Conference on Economic Co-operation in Europe, and subsequent documents of the OSCE, to strengthen democratic institutions and the rule of law, to secure fundamental human rights and to promote sustainable economic development throughout the OSCE region;

49. Requests the OSCE, within an area of prosperity and good-neighbourliness, to establish a new progressive, differentiated and conditional form of association for those countries which are part of the Greater Europe, so that the integration process does not create new dividing lines in Europe, further increase the differences in economic development and present those countries with additional problems;
50. Emphasizes that harmonization of integration processes in the OSCE region requires the integration of the countries carrying out reforms into the world and European economic systems on an equal and mutually beneficial basis, and the OSCE urges participating States to assist these processes in every possible way taking into account the economic and political interests of all OSCE participants and avoiding damage to the security and stability of the whole region, which is under the responsibility of the Organization;
51. Encourages parliamentarians of the OSCE participating States to work out a model of reform-oriented sustainable development;
52. Urges OSCE participating States to create the necessary legal conditions to allow a sustainable development of market economies and to facilitate investments, as preconditions for stability in the OSCE area;
53. Encourages the European Union, within the current process of enlargement, to adopt a political strategy of partnership with its new neighbours to the East and accordingly to ensure that it has the appropriate and adequate means to reorganize the production potential of the Member States, to benefit from the international division of labour and to make fair use of the available skilled workforce;
54. Welcomes the efforts of the European Union to avoid harming the economic interests of those countries which do not become members of the European Union;
55. Calls on the participating States to develop effective, co-ordinated strategies, particularly through regional organizations like SECI, the Southeast European Co-operative Initiative, to combat corruption and organized crime, money laundering, terrorist financing and trafficking in human beings, drugs and arms;
56. Recognizes that economic and environmental factors can threaten security and stability, and appeals to participating States and international organizations to step up their efforts to ensure security, prevent and reduce environmental pollution and ensure control on the basis of full respect for international law;
57. Urges the OSCE participating States to render all-round assistance to development of regional co-operation in such fora as the Organization of the Black Sea Economic Co-operation, the Barents Euro-Arctic Council, the Council of the Baltic Sea States, the Commonwealth of Independent States, the Euro-Asian Economic Community, the Central European Initiative and the Southeast European Co-operative Initiative, to encourage development of co-operation in the field of trade and industries, energy, transportation, communication, science and engineering, agriculture, to support small

and medium-sized enterprises (SMEs), ecology, tourism, etc., and to provide financial assistance in the realization of concrete regional projects;

58. Emphasizes the need to support efforts aimed at assisting development of all-European co-operation on an equal and mutually beneficial basis in various areas and the eventual formation of a single area of security and economic co-operation in the OSCE region and the construction of the new architecture of Europe without dividing lines;
59. Calls upon the OSCE as a whole to join the OSCE Parliamentary Assembly in common efforts to promote the sustainable development of SMEs;
60. Urges the participating States to promote the growth of entrepreneurship and SMEs, particularly those owned and operated by women and minorities, by establishing non-burdensome licensing and taxation regimes, developing programmes that assist SMEs in gaining access to finance, and supporting education and training programmes, business incubators and the development of local, national and regional business associations, following the recommendations of the Berne Final Declaration 2003 on the promotion of SMEs.

CHAPTER III

DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS

61. Recognizing that the enlargement of the EU and NATO, and also the Council of Europe, brings new challenges to all major European and Euro-Atlantic institutions, including the OSCE,
62. Believing that the enlargement of the EU, NATO and the Council of Europe, sharing the common values of democracy, human rights and the rule of law, will strengthen the adherence to the participating States' human dimension commitments,
63. Underlining the importance of keeping the OSCE focused on its human dimension,
64. Recalling that gross violations by OSCE participating States of the human rights of citizens of other participating States constitute a permanent threat to international peace and security,
65. Highlighting the need for the OSCE to maintain and further increase its political weight on the international scene by raising a stronger voice against such violations,
66. Recognizing that there are differences between countries and regions in the OSCE, with respect to the implementation of their human dimension commitments,
67. Stressing the need for a more dynamic approach to be adopted by the OSCE regarding the promotion of its principles and norms set out in the Helsinki Final Act and subsequent documents, as an effective means towards reducing these differences,
68. Noting that the creation of a "European area of freedom, security and justice" on the basis of the Schengen Agreement stipulating the procedures for the crossing of external borders, the free movement of citizens, immigration, monitoring and the fight against crime and terrorism should be regarded as one of the major achievements of the integration processes under way in Central and Eastern Europe,
69. Noting that the recipient countries have benefited from migration through, *inter alia*, an enhanced workforce and cultural diversity, and that migration can continue to be a positive factor in the future,
70. Being concerned, however, that certain problems, such as xenophobia and discrimination, have emerged in connection with migration and that these problems need to be given greater attention by the OSCE,
71. Noting that within the 55 participating States that constitute the OSCE, millions of individuals have fled their place of residence for a separate secure location within the same country, thereby becoming internally displaced, and that each OSCE

participating State bears the primary responsibility to provide protection and humanitarian assistance to internally displaced persons in its territory without discrimination,

72. Welcoming the increased co-ordination and co-operation, also at the parliamentary level, of the main European and Euro-Atlantic institutions in matters concerning consolidation of democracy, respect for human rights, and strengthening the rule of law,
73. Considering that trafficking in human beings constitutes a serious and particularly repulsive form of crime, resulting in a modern form of slavery in the OSCE region,
74. Recalling the “Resolution on Combating Trafficking in Human Beings, especially Women and Children”, adopted in Berlin in 2002 and the “Resolution on Combating Trafficking in Human Beings”, adopted in Paris in 2001, in addition to other previous statements of the OSCE Parliamentary Assembly on this appalling form of international criminality,
75. Recalling that trafficking is a form of organized and international criminality which, in response to the intensification of the fight against it, is seeking new forms and sources of financial support, and which must be combated in international co-operation embracing countries of origin, transit and destination,

The OSCE Parliamentary Assembly:

76. Suggests that the OSCE adopt a more balanced regional approach when promoting the implementation of the participating States’ human dimension commitments, taking into account the differences of each country and region but not neglecting any of them;
77. Calls upon OSCE participating States to honour their commitments deriving from their accession to the international Conventions and other legal instruments on Human Rights;
78. Stresses the need for the OSCE to enhance oversight of participating States observance of their commitments pertaining to the human dimension and to make full use of its commitments implementation review mechanism to this end;
79. Recommends that the OSCE initiates missions and election monitoring of an appropriate nature in established democracies that face new challenges such as the integration of new minorities and the fight against trafficking of human beings;
80. Appeals to the EU and NATO to maintain high requirements with respect to democracy, human rights and the rule of law as far as both their member States and new members are concerned;
81. Recommends that the OSCE develops further its co-ordination, co-operation and division of labour with the major European and Euro-Atlantic institutions, such and

the EU, NATO and the Council of Europe, when promoting the implementation of the participating States human dimension commitments;

82. Considers that the experiences of the “Parliamentary Troikas” on a number of issues are positive, and therefore this form of parliamentary co-operation should be developed further on an ad hoc basis;
83. Encourages the OSCE to strengthen its work in combating xenophobia and discrimination against minorities in established democracies and in protecting their new minorities resulting from migration;
84. Suggests that the mandate and resources of the OSCE High Commissioner on National Minorities be modified and strengthened to deal with the protection of the new minorities in established democracies in the OSCE area, and to help them integrate into the societies of their new homelands while recognizing their right to maintain their own cultural heritage;
85. Urges OSCE participating States to take the necessary steps to prevent and avoid conditions that might lead to internal displacement and, where displacement exists, to create and establish lasting solutions, allowing internally displaced persons to return freely, in safety and dignity, to their homes or places of habitual residence and to repossess their property, or to resettle and integrate voluntarily elsewhere in their country;
86. Declares that OSCE participating States should not forcibly return internally displaced persons against their will or create situations where return is the only option, especially if their life, safety, liberty and/or health would be at risk;
87. Encourages the parliaments of all participating States to take concrete steps to ensure that internally displaced persons in their country have the right to return home and repossess their property or, until that time, that they are given proper and safe housing and fully enjoy their rights;
88. Urges the creation of additional standard-setting language concerning internally displaced persons at the OSCE Ministerial meeting to be held in December 2003 through, *inter alia*, the endorsement of the United Nations Guiding Principles on Internal Displacement or the adoption of key aspects of those Guiding Principles as OSCE commitments;
89. Recommends that the OSCE offer itself to the participating States as the principal international organization in the co-operation and co-ordination of efforts to combat trafficking in human beings and in the development of police capacity and institution-building;
90. Appeals to all participating States to co-operate effectively in order to combat trafficking in human beings in countries of origin, transit and destination;

91. Calls for the participating States, their parliamentarians in particular, to ensure that their national legislation provides means and tools for combating trafficking, protecting its victims and co-operating on international level;
92. Suggests that the OSCE effectively organize its work on combating trafficking in human beings by appointing a Special Representative on Trafficking in Human Beings, by strengthening the resources of the Senior Police Adviser and by establishing mechanisms to co-ordinate closely with the participating States and all OSCE institutions, bodies and officials involved in combating trafficking in human beings, including the OSCE Parliamentary Assembly, the High Commission for National Minorities, ODIHR and the Senior Police Adviser;
93. Recommends that the Parliamentary Assembly continue to give high priority to its efforts to combat trafficking in human beings.

RESOLUTION ON WELCOMING AFGHANISTAN AS A NEW PARTNER FOR CO-OPERATION

1. Acknowledging that in February 2003 the Interim Foreign Minister of Afghanistan indicated Afghanistan's intention to share the principles, values, and goals of the OSCE,
2. Recalling that in April 2003, at the 445th meeting of the Permanent Council, Afghanistan was granted the status of Partner for Co-operation,
3. Affirming that the OSCE participating States and the Partners for Co-operation welcome Afghanistan as a new Partner for Co-operation,

The OSCE Parliamentary Assembly:

4. Urges all participating States and the OSCE Partners for Co-operation to strengthen co-operation with the new Government of Afghanistan on issues of mutual concern, to assist Afghanistan in meeting the OSCE standards and principles on democracy and security;
5. Pledges the assistance of the Parliamentary Assembly to Afghanistan as it seeks to establish a constitutional democracy based on the rule of law and respect for human rights.

RESOLUTION ON RENEWING THE OSCE PARTNERSHIP

1. Recalling the words of the Helsinki Final Act in which the participating States recognized that their common history, traditions and values could assist them in developing their relations, fully taking into account the individuality and diversity of their positions and views, and in their efforts to overcome distrust, increase confidence, solve the problems that separated them and co-operate in the interest of mankind,
2. Remembering also that the Final Act recognized the close link between peace and security in Europe and in the world as a whole, and the need for each of the participating States to make its contribution to the strengthening of world peace and security, and to the promotion of fundamental rights, economic and social progress, and well-being for all peoples,
3. Recalling that the Charter of Paris declared that the participation of both North American and European States is a fundamental characteristic of the OSCE, underlying its past achievements and essential to the future of the OSCE process, and that the challenges confronting the participating States can only be met by common action, co-operation and solidarity,
4. Welcoming the active involvement of the OSCE Mediterranean Partners and the Partners for Co-operation, especially the newest Partner, Afghanistan,
5. Acknowledging the great strides made by the participating States in improving human rights, developing democracy and the rule of law, and strengthening international peace and stability since the signing of the Final Act,
6. Recognizing that much remains to be done to promote fundamental human rights, strengthen democratic institutions, ensure peace and stability, confront global terrorism, prevent the proliferation of weapons of mass destruction, and combat organized crime and corruption throughout the OSCE region,
7. Recognizing also that the participating States may disagree regarding matters affecting regional or global security as evidenced recently by the debate concerning the situation in Iraq,
8. Understanding that the strength of the OSCE is its diversity, and its ability to work together to confront threats to human rights, democracy, and peace and stability in the OSCE region,

The OSCE Parliamentary Assembly:

9. Reaffirms its commitment to work with the OSCE and its institutions to promote human rights, economic prosperity, democracy and the rule of law as well as to combat terrorism, corruption and organized crime through its Ad Hoc Committees, election monitoring, inter-parliamentary dialogue and mission support;
10. Urges the participating States of the OSCE, in the spirit of the Final Act and the Charter of Paris, to redouble their efforts to address critical challenges to fundamental human rights and security throughout the OSCE region, and to work together to ensure peace, prosperity and stability for the global community.

RESOLUTION ON THE PARLIAMENTARY FOLLOW-UP OF OSCE ACTIVITIES AT THE NATIONAL LEVEL

1. Recalling the Charter of Paris 1990 which "calls for a greater parliamentary involvement in the CSCE ... involving members of parliaments from all participating states",
2. Recalling the OSCE Istanbul Charter from 1999 which welcomed its increasing role, particularly in the field of democratic development and election monitoring, and called for the Parliamentary Assembly to develop its activities further as a key component in the efforts of the OSCE to promote democracy, prosperity and increased confidence within and between participating states,
3. Referring to the Resolution on Strengthening Transparency and Accountability in the OSCE adopted by the Parliamentary Assembly at its 10th Session in Paris in July 2001, and the Resolution on Enhancing the Parliamentary Dimension of the OSCE adopted at the Standing Committee in Sintra, Portugal in November 2001,
4. Referring to the work done by the Ad hoc Working Group on Transparency and Accountability of the Parliamentary Assembly for the promotion of communication and relations between the OSCE institutions, in particular the OSCE Parliamentary Assembly and the Ministerial Council,

The OSCE Parliamentary Assembly:

5. Recommends the nomination of OSCE Parliamentary Assembly national delegations for the entire legislature as well as the practice of holding regular national Parliamentary Assembly delegation meetings for the benefit of continuity in OSCE activities at the national level;
6. Encourages national parliaments to introduce practices whereby annual written reports on the activities of the OSCE Parliamentary Assembly by national delegations are regularly debated in an appropriate manner in national parliaments;
7. Encourages national OSCE Parliamentary Assembly delegations to maintain contacts and co-ordinate debates related to the security structure of Europe in their parliaments, in co-operation with other relevant parliamentary committees (such as the Foreign Affairs Committee or Defence Committee) as well as other inter-parliamentary national delegations;
8. Recommends the organization of broad-based discussions and exchanges of views on the activities of the OSCE with representatives from parliaments, governments as well as non-governmental organizations and academic institutions;

9. Encourages national OSCE Parliamentary Assembly delegations to maintain regular contacts with the competent authorities of their national governments involved in OSCE activities, in particular the Ministry of Foreign Affairs;
10. Encourages national parliaments to investigate possibilities of being heard and informed by national governments of OSCE activities in particular prior to major OSCE intergovernmental ministerial meetings and Summits;
11. Calls upon governments of participating States to include parliamentarians in their national delegations to meetings of the OSCE ministerial council and OSCE summits;
12. Recommends consideration of the introduction of annual national reports on the activities of the OSCE by the national Governments to national parliaments;
13. Recommends that national parliaments take active part in OSCE election observation operations and consider new forms of activities of democracy education in the context of elections observation for instance by inviting observers from newly democratized OSCE countries to follow elections in other OSCE countries.

RESOLUTION ON BELARUS

The OSCE Parliamentary Assembly:

1. Welcomes the reopening of the OSCE Office in Minsk on 1 January 2003 and the co-operation demonstrated thus far by the Belarusian Government with the Office;
2. Pledges to support the work of the Office in the future on the basis of its Mandate and the associated Memoranda, and urges the Belarusian Government to avoid creating obstacles that hinder the Office's work;
3. Welcomes the stated will of the Belarusian Government to work actively and co-operatively within the framework of the OSCE Parliamentary Assembly;
4. States the wish to engage in intensive and critical dialogue with the National Assembly and the Belarusian Government;
5. Recalls that none of the four criteria that are the basis of the work of the Working Group, and none of the requirements made of the Belarusian Government – satisfactory access of all political parties to the mass media, establishment of meaningful functions and powers for the Parliament, non-discrimination against political opposition and introduction of confidence-building measures, adoption of a democratic electoral code and transparency of the election process – have thus far been met;
6. Welcomes the New Neighbours Initiative of the EU, which provides Belarus with the opportunity for integration and protection from any negative consequences of EU expansion;
7. Urges the Belarusian Government to take advantage of this opportunity;
8. Urges the Belarusian National Assembly to reform and ratify the electoral code to meet OSCE standards;
9. Expresses regret that important legal reforms have thus far not been enacted, including a new electoral code, media legislation, and laws regarding the powers of the parliament;
10. Urges the Belarusian Government to submit to the National Assembly the necessary and promised legislation;
11. Urges the Belarusian Government to reform the electoral code to make free, fair, and transparent elections possible. This requires, among other things:

- changes in the formation of the electoral commission on all levels (local, regional, national);
 - limiting the possibility of early voting and mobile voting, and the transparent oversight of these practices;
 - access of national and international observers to the entire election process;
12. Urges the OSCE to observe the 2004 elections to the National Assembly;
 13. Clarifies that the holding of further elections or referenda conducted on the basis of the present electoral legislation, which do not meet OSCE standards, will be a step backwards in the improvement of relations between Belarus and the OSCE;
 14. Regrets that the Belarusian National Assembly does not enjoy full parliamentary rights and urges the National Assembly and Belarusian Government to implement legislative changes to ensure those rights;
 15. Urges the ratification of legislation on registration and registration practices which meets OSCE standards;
 16. Condemns the repression of civil society organizations, in particular Civil Initiatives and Ratusha, which stems from the same inadequate legislation and practices;
 17. Welcomes the presence of a group of democratically-oriented, independent representatives (“Respublika”) in the National Assembly, who work for democratic legislation;
 18. Condemns every attempt at repression, discrimination and politically-motivated criminal charges against these and other parliamentarians;
 19. Urges all representatives of the Belarusian National Assembly to protect their colleagues who attempt to exercise their legitimate parliamentary and political rights;
 20. Urges the Belarusian Government to look into the cases of people murdered or disappeared for potentially politically-motivated reasons, and to speed up the investigations in such cases;
 21. Criticizes the fact that the social, political, and humanitarian situation in Belarus has worsened considerably;
 22. Supports in this context Resolution 2003/14 of the United Nations Human Rights Commission of 17 April 2003;
 23. Urges an end to restrictions against trade unions, and the enforcement of rights to form labour associations according to the standards of the International Labour Organization;

24. Condemns the politically-motivated repression of opposition representatives who have endured the loss of employment and in some cases politically-motivated criminal proceedings;
25. Urges the appointment of an Ombudsman for human rights;
26. Urges the Belarusian Government, as promised, to draft media legislation to be forwarded to the OSCE and the Council of Europe for assessment to be submitted to the Belarusian National Assembly;
27. Urges the Belarusian National Assembly to enact and ratify legislative changes according to OSCE criteria and following the recommendations of the OSCE and Council of Europe;
28. Condemns the continuing repression of non state-owned, independent media and the persecution of independent journalists, specifically the ban and censorship of newspapers such as Narodnaya Volya, Navinki and Vecherny Stolin, especially worrisome in this regard being the three-month suspension of the publication Belaruskaya Delovaya Gazeta. In this regard, the practice of registration of print media and the repressive legislation and legislative practice is also condemned;
29. Urges fair and equal treatment of political opposition parties and their free access to the state media;
30. Declares support for all civic and democratic forces in Belarus.

RESOLUTION ON OSCE PEACEKEEPING OPERATIONS

1. Recalling the Second Helsinki Conference held in 1992, which firmly re-established the centrality of non-coercive, co-operative approaches to conflict management,
2. Acknowledging that the OSCE is a consensual, diplomatic forum and all of its conflict prevention and crisis management tools adhere to these fundamental principles,
3. Recognizing that its consent-based, non-coercive character is the greatest strength of the OSCE, by giving great moral authority to any peacekeeping operation, because it requires the co-operation of the parties to a dispute and reflects the wishes of all 55 member States,
4. Recalling that the decision N° 4 of the OSCE Ministerial Council of 7 December 2002, “recognizing the significant changes in peacekeeping doctrine and practices” since the CSCE Helsinki Summit of 1992, calls the Permanent Council “to conduct a review of peacekeeping, with a view towards assessing OSCE capacity to conduct peacekeeping operations and identifying options for potential OSCE involvement in peacekeeping”,
5. Reaffirming that in the wider European security architecture, the role of the OSCE can be more effective through various peacekeeping operations,
6. Noting that nowadays peacekeeping is directly related to maintaining peace and public order and facilitating dispute settlement, and in particular through early warning, conflict prevention, civilian crisis management, post-conflict peace building,
7. Noting that this new and comprehensive perspective of peacekeeping requires the involvement of professionals with many different skills and experiences, not only of military personnel,
8. Noting that several international organizations are engaged in different aspects of complex crisis management,
9. Acknowledging that OSCE has developed experience and know-how in such peacekeeping operations, throughout the last decade, deploying observers, monitoring and verification missions in the field and in crisis areas,
10. Recognizing that OSCE has thus carved out a proper space and role in unarmed peacekeeping operations, qualitatively different from those offered by military organizations,
11. Recognizing that the OSCE can complement other peacekeeping operations set up by different international organizations,

The OSCE Parliamentary Assembly:

12. Recommends the fostering of the role of the OSCE in unarmed peacekeeping operations;
13. Calls upon all OSCE participating States to contribute to the OSCE peacekeeping role, by preparing lists of experienced personnel that it can draw on and deploy at short notice;
14. Encourages OSCE in the efforts undertaken for redefining its role in peacekeeping, and calls on it to reinforce its organizational structure for the selection of personnel, planning and rapid deployment of peacekeeping missions.

RESOLUTION ON THE OSCE MEDITERRANEAN DIMENSION

1. Noting that the OSCE maintains special relations with six Mediterranean Partners for Co-operation: Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia,
2. Recalling that a number of OSCE participating States border the Mediterranean, and that the countries of the Mediterranean region share historical, cultural, economic, and political ties with the OSCE region, which dictates a Mediterranean dimension to security in the OSCE region,
3. Recalling that the Helsinki Final Act states that "security in Europe is to be considered in the broader context of world security and is closely linked with security in the Mediterranean as a whole, and that accordingly the process of improving security should not be confined to Europe but should extend to other parts of the world, and in particular to the Mediterranean area,"
4. Stressing the significant role the OSCE can play in the further promotion of subregional dialogue and co-operation, as essential prerequisites towards meeting the goals of the Barcelona Process,
5. Pointing to the need for the OSCE to enhance its role in the Mediterranean region by further promoting its Mediterranean dimension to achieve closer co-operation with Mediterranean Partners and calling for the enrichment of its existing mechanisms to this end,
6. Highlighting the importance of increased attention attributed to the Mediterranean region at the level of the OSCE PA, as reflected in the appointment of the President's Special Representative for the Mediterranean, as well as in the institution of an OSCE Mediterranean Parliamentary Forum mechanism to be inaugurated in Rome this autumn, as a significant input of the Parliamentary Assembly towards the promotion of the OSCE Mediterranean dimension,
7. Underlining that both OSCE participating States and Mediterranean Partners for Co-operation should aim at promoting security and co-operation in the region through a comprehensive process of enhanced political dialogue, economic co-operation and intercultural exchanges, as well as through the strengthening of democratic institutions and respect for human rights and the rule of law,

The OSCE Parliamentary Assembly:

8. Pledges to contribute energetically to the efforts devoted by the international community to make the Mediterranean Sea a sea of peace and security;
9. Calls upon the Mediterranean Partners for Co-operation to adhere to the guiding principles contained in the Helsinki Final Act;

10. Encourages the Mediterranean Partners for Co-operation to use the framework and mechanisms of the OSCE, including those devoted to conflict prevention and post-conflict rehabilitation, as a model for enhancing security, promoting co-operation, and protecting human rights in the region;
11. Urges all OSCE participating States to assist the Mediterranean Partners for Co-operation in their efforts to overcome the legacy of the past, strengthen peace and understanding, and develop relations based on mutual respect and confidence, increasing and developing respect for human rights and the rule of law, and economic co-operation.

RESOLUTION ON COMBATING TRAFFICKING AND EXPLOITATION OF CHILDREN

1. Underscoring the importance of combating corruption, for the facilitation of economic and political growth and stability, and for the improvement in and promotion of good governance,
2. Noting the deleterious effects of corruption on economic, political and social development of a country,
3. Recalling that the OSCE Ministerial Council Decision of December 2002 recognized the need to fight corruption which facilitates the operation of organized criminal networks,
4. Recognizing the links between corruption, organized crime, international criminal networks and trafficking in human beings,
5. Concerned that law enforcement efforts against human trafficking are undermined by official indifference and corruption,
6. Recalling that the 1991 Moscow Document, the 1999 Charter for European Security, and the OSCE Ministerial Council Decisions of November 2000, December 2001, and December 2002 commit OSCE participating States to seek to end all forms of trafficking in human beings,
7. Noting that the OSCE Ministerial Council Decision of December 2002 expresses particular concern “about the increase in trafficking in minors and, recognizing the special needs of children, supports more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, calls for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being”,
8. Recognizing that the International Labour Organization estimates that 1.2 million children below the age of 18 are victims of trafficking,
9. Recalling that the Parliamentary Assembly’s Berlin Declaration demanded that special attention be focused on trafficked children and their specific rights and needs,
10. Recalling that the Parliamentary Assembly, in its Berlin Declaration, expressed concern about the existence and prevalence of sex tourism aimed, in particular, at the sexual exploitation of children, and called on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute their nationals who travel abroad for the purpose of engaging in sexual acts with children,

11. Noting with grave concern that the Internet has facilitated the promotion of sex tourism through easily accessible websites advertising such activities, thus, cloaking them in apparent legitimacy,
12. Expressing concern that the Internet and other modern technologies are being used to facilitate the production, collection and distribution of pornographic images of children,

The OSCE Parliamentary Assembly:

13. Urges participating States to redouble their efforts to combat corruption in all areas of society and all levels of government, giving particular regard to instances of corruption that lead to violations of human rights, including trafficking in persons;
14. Urges participating States to take all necessary measures to alert the general public to the dangers of false and illusory promises, particularly offers of lucrative and alluring employment overseas, made by the trafficking networks;
15. Urges participating States to work with civil society in advancing and supporting ideas of accountability and transparency in government, and the promotion of good governance practices;
16. Encourages participating States to provide training to the tourist industry and to tourism educators on child sex tourism and on children's rights and protection;
17. Calls upon OSCE participating States to investigate allegations that police, or other law enforcement authorities, have been complicit in the crime of trafficking in persons and to prosecute any and all law enforcement authorities found to be complicit in such crimes or in efforts to undermine the investigation of such crimes;
18. Urges all participating States to adopt and implement legislation to prohibit and establish severe criminal penalties for the production, distribution or use of material that visually depicts sexual conduct by children below the age of 18;
19. Encourages participating States to consider practical measures that can be undertaken to combat the use of the Internet for child pornography, such as the creation of "child pornography hotlines" to allow Internet users the possibility of anonymously providing information on offences relating to child pornography to appropriate law enforcement units;
20. Urges that participating States consider establishing within appropriate law enforcement entities specialized task forces on Internet crimes against children to investigate crimes against children committed through the use of the Internet;
21. Urges all OSCE participating States to sign and ratify International Labour Organization Convention 182, calling for immediate action to ban the worst forms of child labour, including child prostitution and child pornography;

22. Calls upon all participating States to sign and ratify the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;
23. Urges all OSCE participating States to sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

RESOLUTION ON THE ROLE OF THE OSCE TOWARDS THE GREATER EUROPE

1. Recalling that in Europe, the trend towards closer integration and co-operation that has developed gradually in intra-European relations since the end of the Cold War is now becoming consolidated and more clearly defined,
2. Recalling that examples of such integration and co-operation include the enlargement of the European Union and NATO to incorporate the countries of Central and Eastern Europe, and co-operation between these two organizations and Russia, Ukraine and the other members of the CIS,
3. Recalling that the States which are acceding to the European Union and to NATO have demonstrated an extraordinary capacity to modernize their civil, economic and military structures, and to mobilize public opinion in support of the predetermined objectives,
4. Recalling that the European area of integration is being expanded parallel to the increase in a series of subregional co-operation experiences between the Member States of the OSCE area, such as the Visegrad Group, the Black Sea Economic Co-operation, the Central European Initiative, the Southeast European Co-operative Initiative, and the Council of the Baltic Sea States,
5. Recognizing that although these European integration and co-operation experiences are proceeding at different levels, all are based on common principles governing relations between the participating States,
6. Recognizing that in political terms, these common principles are respect for democracy, the rule of law and human rights, and they are helping to consolidate instruments designed to guarantee international security,
7. Recognizing that in economic terms, the extension of the market economy, the adoption of a liberal approach to trade between States based on the freedom of international trade and the extension of economic integration are strengthening political integration and driving economic development and prosperity,
8. Acknowledging the significance of the adoption by the European Union of a Common Foreign and Security Policy, which will empower it to play its due role on the international political scene,
9. Considering that the creation of international co-operation mechanisms and the principles underlying them are now a commonly shared heritage, bringing all the European States together in a single process, irrespective of the different levels of integration they have achieved,

10. Considering that these integration processes require an overall framework to facilitate and direct them, maintaining the conditions for co-operation,
11. Considering that this broader and more general framework for participation is provided by the OSCE, which already encompasses all the existing regional and subregional integration processes and provides the participating States with a set of shared values that were enshrined in the 1975 Helsinki Final Act,

The OSCE Parliamentary Assembly:

12. Wishes the European Union to be an area that is receptive to the contribution of other European countries belonging to the OSCE area, the enlargement of the European Union having beneficial results in this respect;
13. Wishes the construction of Europe to acquire greater depth in the larger and more inclusive ambit of the OSCE, in order to consolidate democracy, the protection of human rights and collective security, and the increasing integration of the national economies, continent-wide;
14. Wishes that this perspective will be specifically taken on board by the European Union as a permanent strategic objective, looking ahead to the creation of an increasingly more cohesive and integrated "Greater Europe".

RESOLUTION ON COMBATING ANTI-SEMITISM IN THE 21ST CENTURY

1. Recalling the *Resolution on Anti-Semitic Violence in the OSCE Region* unanimously adopted at the Assembly's 2002 Annual Session in Berlin, which encouraged parliamentarians to "vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums",
2. Reaffirming the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom",
3. Recalling the 2002 Porto decision No. 6 recognizing the responsibility of participating States for promoting tolerance and non-discrimination,
4. Noting ongoing efforts to create a parliamentary Coalition of the Willing, initiated by the German and American delegations to the Assembly, to gather like-minded parliamentarians willing to denounce anti-Semitism and related violence, be it on the domestic or international level,
5. Recalling the leadership shown by the OSCE in addressing the issue of anti-Semitism, and the fact that it was the first international organization to publicly condemn anti-Semitism through provisions of the 1990 Copenhagen Concluding Document,
6. Acknowledging that incidents of anti-Semitism occur throughout the 55-nation OSCE region and are not unique to any one country, which necessitates unwavering steadfastness by all participating States to erase this black mark on human history,

The OSCE Parliamentary Assembly:

7. Recognizes the danger of anti-Semitism to the societies of all OSCE States, as unchecked growth of this phenomenon and related violence will jeopardize peace, pluralism, human rights and democracy;
8. Condemns unequivocally anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;
9. Recommends that parliamentarians of OSCE participating States strongly and publicly condemn anti-Semitic acts when they occur;
10. Supports the promotion of special efforts to train law enforcement officers and military personnel to deal with diverse communities and respond to racism and hate crimes;

11. Urges all OSCE participating States to ensure effective law enforcement by local and national authorities against criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including thorough investigation and prosecution of such acts;
12. Encourages educational efforts throughout the OSCE region to counter anti-Semitic stereotypes and attitudes among younger people, to increase Holocaust awareness programs, and to identify necessary resources to accomplish these goals;
13. Calls on participating States to identify concrete action that may be possible within the OSCE to counter proliferation of neo-Nazi and other racist material over the Internet, while protecting and preserving the rights of freedom of expression;
14. Emphasizes the need to commence and complete the proper and just restitution or compensation of seized properties to the rightful owners, noting that many claimants are elderly survivors of the Holocaust;
15. Calls upon parliamentarians in OSCE participating States to play a leading role in combating anti-Semitism, thereby ensuring concrete actions are implemented at the national level;
16. Urges those participating States that have not already done so to join the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, and to implement the provisions of the Declaration of the Stockholm International Forum on the Holocaust.

RESOLUTION ON MOLDOVA

1. Recalling the resolutions on Moldova adopted at the Annual Session in Bucharest in 2000, in Paris in 2001 and in Berlin in 2002,
2. Welcoming the fact that all parties concerned have approved the initiative of the President of the Republic of Moldova to draw up jointly with the Transdniestrian side a new State Constitution based on the principles of federalism,
3. Taking note of the recent Seminar on Federalism, organized by the OSCE Parliamentary Assembly, in close co-operation with the OSCE Mission to Moldova, where representatives of all parties concerned participated constructively in discussing a future solution,
4. Recognizing the recent progress in the removal of the Russian armaments and ammunition from Transdniestria in accordance with the decisions of the Istanbul Summit and the Porto Ministerial meeting,
5. Noting with concern that trafficking in drugs, arms and human beings remains a major cause for alarm in the region,
6. Reaffirming the role of the OSCE in promoting free and fair elections, in addition to Article 21 of the Universal Declaration of Human Rights, which declares that: “Everyone has the right to take part in the government of his country, either directly or through freely chosen representatives”,
7. Understanding that a failure to find a solution to the problem concerning the status of the Transdniestrian region and effectively to combat organized crime seriously hampers economic and social progress in the entire country and its further integration into the European and Euro-Atlantic structures,

The OSCE Parliamentary Assembly:

8. Appeals to all parties concerned, in particular to the Parliament and Government of Moldova and the Supreme Soviet and Authorities in Transdniestria, to continue negotiating in good faith in order to find a solution to the problem of the status of Transdniestria as an integral part of a federal Moldova and in a manner that guarantees Moldova’s sovereignty and territorial integrity;
9. Encourages the Joint Constitutional Commission, composed of representatives of both parties and assisted by expert advisers from the OSCE, European Union and the Venice Commission, to continue their work in order to draft a new constitution within the period envisaged;

10. Recommends that the OSCE remain active in the ongoing negotiation process and ready to provide assistance and guarantees to any agreed solution that ensures Moldova's sovereignty and territorial integrity, including readiness to provide peace-keepers;
11. Urges the authorities in Tiraspol to continue co-operating with others concerned in order to complete the withdrawal of Russian armaments and ammunition by the end of 2003;
12. Asks the authorities in Chisinau and Tiraspol to work effectively, in co-operation with their neighbours and relevant international institutions, in order to combat any kind of organized criminality, in particular the trafficking in drugs, arms and human beings;
13. Suggests that the Parliament of Moldova and the Supreme Soviet of Transdniestria re-establish their contacts by holding regular meetings of appropriate committees;
14. Assures all parties concerned that the OSCE Parliamentary Assembly remains available, mainly through its Parliamentary Team on Moldova, to facilitate dialogue and to look for solutions to various problems in the country, in particular to the preparation of a new federal constitution.

RESOLUTION ON THE INTERNATIONAL CRIMINAL COURT

1. Welcoming with great satisfaction the entry into force of the Rome Statute of the International Criminal Court (ICC) as a milestone in the development of an effective international criminal justice system in which there are no safe havens for those who commit the worst international crimes. With the creation of the International Criminal Court, genocide, war crimes and crimes against humanity shall no longer go unpunished,
2. Recognizing that by providing redress and reparations for the victims and survivors of these crimes, the ICC is of vital importance not only for accountability and lasting justice, but also for peace and security. In the present international situation, the Court is needed more than ever before. With the support of international key actors, the Court can play a role of deterrent, which may be crucial in the preservation of world peace,
3. Considering that democratic States must be the most ardent supporters of the Court, which represents the expression of their commitment to promote the universal values of human rights, international humanitarian law and the rule of law,
4. Considering that universal adherence to the Rome Statute is of crucial importance in order to enable the Court to become a truly efficient international instrument to prevent impunity and to ensure equal justice for all,
5. Emphasizing that to be effective the ICC will depend not only on widespread ratification of the Rome Statute, but also on states parties complying fully with their treaty obligations,
6. Welcoming the ICC as a defender of the rights of those, such as women and children, who have often had little recourse to justice, the Rome Statute being the first treaty to contain an extensive list of crimes of sexual violence,
7. Welcoming the explicit reference to trafficking in women and children,

The OSCE Parliamentary Assembly:

8. Calls on the OSCE participating States to make their ratifications meaningful through effective national implementing law that enables them to meet their principal obligations under the Rome Statute, namely co-operating with and assisting the ICC, which is vital to ensuring that the most serious crimes of concern to the international community no longer go unpunished;
9. Calls on the participating States to look beyond the Rome Statute when incorporating the ICC crimes into national law and to incorporate the most progressive definitions of all crimes under international law, whether they are found in the Rome Statute or

elsewhere, this applying particularly to the standard set out in the Optional Protocol to the Convention on the Rights of the Child, which establishes eighteen as the minimum age for participation in armed conflict;

10. Urges the participating States to provide support and protection to victims and witnesses, particularly women and children, to grant special protection visas to enable threatened victims and witnesses with their families to resettle in a safe third country, and to establish a trust fund for victims and their families;
11. Calls on the participating States to work together for a universal accession to the Rome Statute of the International Criminal Court.

RESOLUTION ON THE PRISONERS DETAINED BY THE UNITED STATES AT THE GUANTANAMO BASE

1. Recalling the OSCE's fundamental principles based on the rule of law,
2. Recalling the repeated statements of the OSCE Parliamentary Assembly opposition to the use of the death penalty,
3. Underlining the importance of the defence of democratic rights, not least confronted with terrorism and other undemocratic methods,

The OSCE Parliamentary Assembly:

4. Deplores the fate and the treatment of the persons, including minors, being held at Guantanamo by the United States as "unlawful combatants" and not as *either* "prisoners of war" in accordance with the Third Geneva Convention and with the right of such persons *or* as criminals with the rights pertaining to that status.

The Parliamentary Assembly urges the United States immediately to:

5. Present the prisoners before a "competent tribunal" to have their status determined;
6. Secure the prisoners' rights by letting them be represented by legal counsel of their own choice;
7. Secure the rights of the minors imprisoned according to international conventions and fundamental principles of law regarding the rights of children not to be incarcerated with adults and secure their right to education;
8. Refrain from the use of the death penalty.

The Parliamentary Assembly furthermore:

9. Urges the responsible authorities of all the States whose nationals are being unlawfully detained to do whatever possible to seek their extradition to their home country for prosecution of their criminal acts.

Intermediary Foundation of the Universal Declaration of Human Rights

A A N T E K E N E N

To: Mr José Manuel Barroso
EUROPEAN COMMISSION

Rue de La Loi 200
B-1049 BRUSSELS
BELGIUM

Your letter of
Your reference
Our letter of
Our reference
Enclosure(s)
Contact
Direct line
Re

UNIEWAARDEN

2x

IFUD of Human Rights / J.P. van den Wittenboer

ifudofhumanrights@yahoo.com

RACISME-XENOFOBIE

Mierlo, 27 januari 2012

Zijne Hoge Excellentie José Manuel Barroso,

Hierbij verzoekt IFUD of Human Rights, (Joannes Petrus van den Wittenboer, (chairman)
Zijne Hoge Excellentie José Manuel Barroso, voorzitter van de Europese commissie;

daadwerkelijk optreden te bewegen. De Europese Unie is niet alleen verantwoordelijk voor het verspreiden van informatie over mensenrechten. De Europese Unie moet **garantie stellen** dat de Verdragen daadwerkelijk de resultaten bereikt die de Uniewaarden beogen. Anders hebben bindende Verdragen geen betekenis. Wat rest is dan louter alleen een economisch handelsblok. Aldus samengevat: met deze brief beoogt IFUD of Human Rights, dat wordt getoond hoe de EU de waarden van de mensenrechten en anti-racisme vertaalt in praktijkgericht beleid in samenspraak met het Europees Parlement. Er heeft zich ondertussen een toestand gevormd die zich tot een permanente situatie heeft ontwikkeld, wat zich een

geheel eigen leven is gaan leiden in de Europese Unie door elkaar kost wat kost,de hand boven het hoofd te houden,zoals de omstandigheden van het concrete geval met Lidstaat Nederland.Zo dacht lidstaat Nederland over het onderwerp van de mensenrechten,zo zou het moeten zijn: Mensenrechten waren rechten die wereldwijd zouden gelden voor alle mensen overal en altijd.Deze rechten vormden de grondslag voor een democratie.De Verenigde Naties,de Europese Unie en de Raad van Europa zouden opkomen voor de mensenrechten.Ook Nederland had een eigen mensenrechtenbeleid.

Iedere lidstaat van de EU moet voldoen aan de voorwaarden in artikel 49 van het EU-Verdrag en moet de beginselen van artikel 6 lid1, van het Verdrag in acht nemen.In dit verband heeft de Europese Raad van Kopenhagen in 1993 bepaalde criteria ontwikkeld.

NEDERLAND

Het Internationaal Strafhof en het Anne Frank Huis zijn gevestigd in Nederland.Van de overheid mag bovenal een voorbeeldfunctie worden verwacht.Het door de Staat der Nederlanden bewust tolereren van de rechten activist die sinds 2003 -om het protest over onvrede met het systeem van de overheid meer kracht bijzetten- op zijn website en via e-mail symbolen gebruikt (SS-tekens en Hakenkruizen) die op grond van algemene bekendheid als beledigend over een bepaalde groep mensen worden ervaren (bij het grote publiek).Het is strafbaar en het is moreel verwerpelijk,bedreigt de stabiliteit van de samenleving -rechtsstaat en democratie- en is in strijd met de Grondwet.De omstandigheden waaronder de symbolen in het openbaar ten tonele worden gevoerd is in strijd met... **Nederland handelt in strijd met de Grondwet,democratie en rechtsstaat**, (de misdragingen zijn langdurig en structureel). Nederland voldoet **niet** aan de in 1993 Kopenhagen overeengekomen criteria.In het Verdrag van de Europese Unie wordt verder uitgeweid over de kenmerken die elke EU lidstaat dient te bezitten zoals o.a. non-discriminatie en respecteren van de mensenrechten.Nederland (zou) thans geen lid meer kunnen zijn van de Europese Unie.De EU kan niet toestaan dat één lidstaat -hoe groot of economische belangrijk die ook moge zijn- uit eigenbelang de uniewaarden dwarsboomd. (UNIEWAARDEN VEU en VWEU, primaire recht)

HET PRIMAIRE RECHT

Het primaire recht,ook wel primaire rechtsbron of oorsprongsrecht genoemd,is voor de Europese Unie (EU) de hoogste van recht in de Europese juridische rangorde,wat betekent dat het voorrang heeft op elke andere rechtsbron.

HET SECUNDAIRE RECHT

Het secundaire recht zijn de verordeningen,richtlijnen,besluiten,aanbevelingen,adviezen.

EUROPESE OMBUDSMAN

ONDERZOEK OP EIGEN INITIATIEF EN MELDING BIJ STRAFBARE FEITEN

(statuut van de Europese Ombudsman)

Artikel 3,lid1; onderzoek op eigen initiatief door europese ombudsman.

Artikel 4,lid2; Indien de Europese ombudsman in het kader van een onderzoek kennis heeft genomen van feiten die zijnsinziens onder het strafrecht vallen,brengt hij de instellingen,organen of diensten die belast zijn met onderzoek van strafbare feiten hiervan onverwijld op de hoogte.

(statuut Europese Ambtenaren)

Bovendien zij erop gewezen dat volgens Artikel 22a van het Statuut van de ambtenaren alle ambtenaren van de Europese instellingen,met inbegrip van het personeel van de Ombudsman,gehouden zijn hun meerderen of OLAF in kennis te stellen van mogelijke strafbare feiten en / of illegale activiteiten waardoor de belangen van de Europese Unie worden geschaad.

De Europese ombudsman die niet voldoet...

Verdrag tot oprichting van de Europese Gemeenschap, Artikel 195,lid2;
Het Europese Parlement kan daartoe een verzoek bij het Hof van Justitie starten om de Europese ombudsman uit het ambt te ontheven worden verklaard,indien Hij niet meer aan de eisen voor de uitoefening van het ambt voldoet of Hij op ernstige wijze te kort is geschoten.

EUROPESE COMMISSIE

Krachtens de verdragen ziet de Commissie van de Europese Gemeenschappen erop toe dat het Gemeenschapsrecht op correcte wijze wordt toegepast.(door de ogen zien van haatzaaijerij d.m.v. misinterpretaties van Verdragen,Statuten en regelgeving,die de draak wordt gestoken met de uniewaarden).De Commissie beschikt over eigen bevoegdheden,(beroep wegens niet-nakoming) om te trachten aan deze inbreuk een einde te stellen;in voorkomend geval kan de Commissie de zaak aanhangig maken bij het Hof van Justitie van de Europese Gemeenschappen.De Commissie neemt,hetzij op grond van een klacht,hetzij op grond van vermoedens van inbreuken,die de Commissie ontdekt,de stappen die de Commissie nodig acht.Het gemeenschappelijke doel van de Europese Commissie en de Europese Unie zijn de "uniewaarden",en niet het herstel van de hitleriaanse symbolen om de geesten van de jongere generatie van de toekomst te vergifigen en de terugkeer naar de imperialistische barbarij van weleer.Uitzondering is dat Nazi-symbolen zijn toegestaan in geschiedenisboeken en in een museum,niet om te beledigen en kwetsen.De Europese Commissie neemt een verzoekschrift slechts in behandeling als alle nationale rechtsmiddelen zijn uitgeput.In Nederland betekent dit normaal procederen tot de Hoge Raad.De Europese commissie moet de mensenrechten niet inzetten voor alleen eigen glorie,een commissie die de mensenrechten uitsluitend gebruiken ter verheerlijking van zichzelf en hun eigen elite.Gelet op de Universele Verklaring van de Rechten van de Mens die op 10 december 1948 door de Algemene Vergadering van de Verenigde Naties is afgekondigd;overwegende,die deze verklaring ten doel heeft de Universele en **daadwerkelijke erkenning** en toepassing van de rechten die daarin zijn nedergelegd te **verzekeren**.

In ogenschouw nemen mr. Barroso's duidelijk en krachtig statement op het vlak van racisme en xenofobie in de Europese Unie.

[verwijs naar State of the Union 2010 en Universiteit Geneve 14-10-2010, toespraken Barroso.]

Dat deze brief de aanzet is voor werkelijke onderhandelingen **tastbare stappen** vooruit op de thema's als een gedeelde toekomstvisie.

[Ik verzoek u vóór de eerste Maart tweeduizendentwaalf schriftelijk te reageren]

Aan: IFUD of Human Rights

t.a.v.: de Voorzitter
Joannes-Petrus van den Wittenboer

Kastanje 28
5731NK
MIERLO

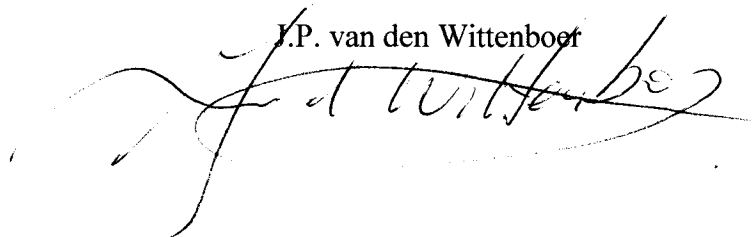
NEDERLAND.

MET DE MEESTE HOOGACHTING,

IFUD of Human Rights

De voorzitter

J.P. van den Wittenboer



bijlage(n).-

- Kopie verzoekschrift/klacht dd, 3 oktober 2011 Europese Ombudsman inzake "UNIEWAARDEN",nummer: **2013/2011/OV S2011-143703**
- Kopie brief Raad van de Europese Unie, 11 februari 2009, Thérèse Blanchet, hoofd van de Eenheid Coördinatie Juridische dienst

TEKST

ARTIKEL 29 VEU

[procestaal NL]

(behandeling openbaar)

UNIEWAARDEN

General Assembly UNITED NATIONS

A/RES/53/144

March 8, 1999

ARTIKEL 1.

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

STATE OF THE UNION 2010

7 September 2010

Voorzitter van de Europese Commissie

José Manuel Durao Barroso

Voor racisme en xenofobie is er in Europa geen plaats. Wanneer zich rond dergelijke delicate thema's een probleem voordoet, moeten wij allen handelen met zin voor verantwoordelijkheid.

KLACHT

(aantekenen)

Heden, de derde oktober tweeduizendelf, ten verzoeken van:

Joannes Petrus van den Wittenboer voorzitter, secretaris en penningmeester van de stichting Intermediaire stichting van de Universele Verklaring van de Rechten van de Mens – in het Engels- Intermediary Foundation of the Universal Declaration of Human Rights – afkorting- IFUD of Human Rights, wonende en adres te Mierlo, gemeente Geldrop-Mierlo, (5731NK) Kastanje 28, planned change agent.

e-mail: ifudofhumanrights@yahoo.com internet: <http://ifudofhumanrights.webs.com/>

AAN:

De Europese Ombudsman – 1 Avenue du Président Robert Schuman- BP.403-FR-67001 STRASBOURG Cedex- FRANCE

KLACHT GERICHT TEGEN:

RAAD VAN DE EUROPESE UNIE, Secretariaat-Generaal, Juridische Dienst, Rue de La Loi, 175 B-1048 Brussel, BELGIE.

Er is tussen IFUD of Human Rights en lidstaat Nederland een langdurige [eenmaal civiele procedure (*1) en eenmaal strafprocedure (*2)] gaande dat zich inmiddels in eigenrichting dreigt te escaleren in de Europese Unie door welbewust opzij schuiven van artikel 29 VEU door de Raad van de Europese Unie in Brussel. – overwegende dat verkeerde interpretaties van het Verdrag van de Europese Unie tot een beleid van uitsluiting kunnen leiden, en zo haat en racisme kunnen aanwakkeren - Het beschermen van lidstaten en onder het tapijt vegen van schending der Uniewaarden van het Verdrag van de Europese Unie.

Dit gelet op de feitelijke omstandigheid de schriftelijke stellingsname in een brief van dd, 11 februari 2009, gericht aan IFUD of Human Rights, door de Raad van de Europese Unie, inzake ingeval van schending van de Uniewaarden door een lidstaat.

Monitoring op het terrein van de Uniewaarden, de naleving van de Uniewaarden door de lidstaten der Europese Unie – die evenwel indien nodig ook zou moeten kunnen leiden tot het opleggen van sancties als berispingen en boetes, schorsing van bepaalde rechten met als uiterste middel het opschorten van het lidmaatschap- De Uniewaarden deze omvatten de mensenrechten en de fundamentele beginselen van de rechtsstaat (artikel 6 VEU lid 1). Daartoe

verleent artikel 7 VEU de instellingen van de Unie bevoegdheden om op te treden in geval van een (dreigende) schending van de Uniewaarden. Het eerste lid, dat met het Verdrag van Nice werd toegevoegd aan artikel 7 VEU, voorziet in een preventiemechanisme voor gevallen waarin een duidelijk gevaar voor ernstige schending van de Uniewaarden geconstateerd kan worden. De Raad (in de samenstelling van Staatshoofden en regeringsleiders die artikel 29 VEU onderschrijven) de mogelijkheid geeft ingeval van ernstige en voortdurende schending van Uniewaarden sancties aan een lidstaat op te leggen.

Benadrukkend de noodzaak zorg te dragen voor een volledige en doeltreffende verwezelijking van alle mensenrechten zonder discriminatie of onderscheid zoals vastgelegd in Europese en andere internationale instrumenten. Ervan overtuigd dat handelingen van racistische en xenofobische aard een schending van de mensenrechten en een bedreiging voor de rechtsstaat en democratische stabiliteit in de Europese Unie vormen. Het is beledigend voor een bevolkingsgroep speciaal voor Joodse mensen, maar ook voor eenieder die uit levensovertuiging de ideologie van het nationaal socialisme verwerpen. Overwegende dat de Staat der Nederlanden geen enkel schuldinzicht heeft, de beweegredenen duidelijk politiek zijn geïnspireerd en dat de Staat volledig bekend is met alle stukken in deze zaak en geen enkele actie hierin heeft ondernomen. De Nederlandse Staat wenst overduidelijk de status-quo te handhaven. Er is sprake van een schaduwsysteem, en door systematisch preselectie toepassen gevat in een systeemgeoriënteerde benadering is sprake van een model-gebaseerd Orwelliaans overheidsapparaat van gevestigde politieke belangen “ons kent ons” vriendjespolitiek mentaliteit. Door monopoliseren groepen en individuen uit te sluiten worden vooraf bepaalde organisaties en personen systematisch belet om conferenties, seminars te bezoeken. Er is sprake van een scherpaafgebakend netwerk, (Norman Finkelstein, de Holocaust-industrie, 2000). Hierdoor dragen ook programma's op Europees niveau als die “Europa voor de burger” (programma “Europa voor de burger” 2007-2013), rapporten over mensenrechten, anti-racisme en holocaust, alleen nog de status van pr-waarde. De selectieprocedures in de EU zijn dermate selectief dat de echte mensenrechtenverdedigers worden uitgesloten. Echte mensenrechtenverdedigers leven vaak onder de armoedegrens, zijn onverzekerd en zijn hun huis en bezittingen verloren. Defensie klokkenluider Fred Spijkers werd politiek-crimineel verklaard door de Nederlandse overheid omdat hij zijn burgerplicht deed door te waarschuwen voor ondeugdelijke bommen bij defensie, er was daarna sprake van o.a. bannen en isoleren, verdachtmaken en demoniseren. De Nederlandse overheid gebruikt dezelfde tactieken als die communistische landen gebruiken. “Europa voor de burger” is alleen voor het promoten van de EU, en met de EU-logos duidelijk zichtbaar. Dringt er op aan te weigeren lidstaten met racistische of xenofob karakter te steunen en derhalve elk verbond men hun gekozen vertegenwoordigers af te wijzen. Het Europa van de 21 ste Eeuw heeft geen plaats voor Adolf Hitler-imitators. De democratische lidstaten van de Europese Unie hebben niet de wens om opnieuw terug te vervallen op de onderdrukking van de jaren '30 en '40.

NOTARIS:

De notaris heeft een advies-informatie en waarschuwingsplicht waardoor hij als onafhankelijk adviseur een inhoudelijke inbreng en toegevoegde waarde heeft. De taak van de notaris behoort meer in te houden dan alleen het opmaken van akten en het uitvoeren van de daarbij behorende controles. Kernpunt van de vertrouwensposities van de notaris is zijn zwaarwegende zorgplicht tot wilscontrole en de Belehrungs-plicht die in artikel 43 van de Wet op het notarisambt (Wna) is opgenomen en in de Jurisprudentie van de Hoge Raad nader is uitgewerkt.

PROCEDURES AANHANGIG GEMAAKT IN LIDSTAAT NEDERLAND:

(*1) aanbieden valsheidsprocedure 08 februari 2008 op akte notarieel onder ede, de dato van 21 juni 2007, door mr. Th H.J.M. op de Laak, notaris te Cranendonck, aan de Staat der Nederlanden in handen van de Minister van Algemene Zaken. Door IFUD of Human Rights.

(*2) verzoek om strafvervolgung artikel 76 RO procedure, de minister van algemene zaken, aan de Tweede Kamer der Staten Generaal van de Nederlandse Staat. Door IFUD of Human Rights.

TOELICHTING NATIONALE PROCEDURES:

- 1) Een notariële akte onder ambtseed der notaris staat ten alle tijden boven de schriftelijke verklaring in briefvorm door de Minister van Algemene Zaken.
- 2) De Staat der Nederlanden is niet aanwezig geweest bij de ondertekening van de notariële akte, en hierdoor is sprake van een eenzijdige notariële akte. Op eenzijdige notariële akten mag door de notaris geen Eerste Grosse "In naam der Koningin" worden afgegeven. **De civiele rechter is aangewezen instantie om de notariële akte tot executoriale titel te verklaren.** In dit geval moet dit **verzoekschrift met een advocaat in een verstekprocedure**. De Minister van Algemene Zaken heeft per brief laten weten geen valsheidsprocedure aanhangig te maken op de notariële akte. Er is sprake van een schuldvordering in de notariële akte tegen de Nederlandse Staat. (civiele procedure)
- 3) Het schijnt dat géén advocaat zijn vingers wenst te branden tegen de Nederlandse Staat. Er zijn hiertoe voldoende schriftelijke bewijzen aangehecht aan de notariële akte, (DVD-rom). Daarop heeft de stichting zich schriftelijk tot de Hoge Raad gewend met het verzoek een advocaat aan te wijzen. De Hoge Raad wenst geen advocaat op de zaak te zetten tegen de Staat.

- 4) **Verzoek tot strafvervolgning van de Minister van Algemene Zaken, Nederland artikel 76 RO procedure.** De Tweede Kamer heeft schriftelijk laten weten, dat het verzoek ter inzage is gelegd aan alle fractievoorzitters en leden van de politieke partijen in de Tweede Kamer. Er is op het verzoek verder totaal geen enkele actie ondernomen door de Tweede Kamer om in de toekomst nog erger te voorkomen. (strafprocedure)

TOELICHTING:

Het plaatsen van hakenkruizen en SS-tekenen op afbeeldingen van ministers, nationale ombudsman in Nederland is na het verlijden van de notariële akte niet minder maar erger geworden. De dader kan gebruik hebben gemaakt van programma's zoals o.a. photoshop. Internationaal zijn naast het op internet verspreiden, 500.000 e-mail internationaal verzonden van de afbeeldingen.

IMPRESSIE:

Op de internetsite van de dader (die bekend is) tussen een samenvatting van brieven diverse afbeeldingen staan diverse afbeeldingen:

Afbeelding Tweede Kamer, met aan de wand een groot hakenkruis in krans | afbeelding de Wijkerslooth met Hitlersnor en hakenkruis en voorzien van het stempel van de rechtbank | afbeelding Donner met Hitlerkapsel en Hitlersnor, SS-tekenen en adelaar met hakenkruis | de nationale ombudsman met Hitlersnor met SS-tekenen en adelaar met hakenkruis | afbeelding portret Adolf Hitler | afbeelding Balkenende met Hitlersnor, hakenkruis en adelaar met hakenkruis | Donner met Hitlerkapsel en SS-tekenen en adelaar met hakenkruis. Het gelaat is afgedekt met een zwarte balk over de ogen | adelaar met hakenkruis | hakenkruis in krans |

PRODUCTIES:

- 1) Voorblad Europese Ombudsman met logo (glossy fotopapier)
- 2) Blanco (tussen)-blad
- 3) Artikel 29 VEU
- 4) Blanco (tussen)-blad
- 5) Verklaring Raad van de Europese Unie, internationale dag ter bestrijding van rassendiscriminatie, 21 maart 2010 7791/10 (PRESSE 69) NL
- 6) Blanco (tussen)-blad

- 7) Brief Raad van de Europese Unie, dd 11 februari 2009, gericht aan IFUD of Human Rights, inzake lidstaat Nederland racisme en xenofobie Verdrag van de Europese Unie (VEU)
- 8) Blanco tussenblad
- 9) Brief lidstaat Nederland, Minister van Algemene zaken mr. dr. J.P. Balkenende, dd, 28 Maart 2008, kenmerk 3318172, inzake verklaring valsheidsprocedure
- 10) Brief dd, 15 September 2008, Tweede Kamer der Staten Generaal, inzake strafvervolgung de minister van algemene zaken, Art 76RO, met bijlagen, dd 2 September 2008, TK 106, lijst 106-7779
- 11) Blanco (tussen)-blad
- 12) Afbeelding minister Donner, met het copyright teken van Karel de Werd, en voorzien van SS-tekens, adelaar met hakenkruis, Hitlersnor en Hitlerkapsel
- 13) Toespraak minister Donner 29-03-2004, inzake het boek "met recht discriminatie bestrijden", (schriftelijk)
- 14) Schriftelijke verklaring dd, 8 September 2004, door Notaris mr. Th. J. op de Laak, met de verklaring dat de notaris achter zijn ambtseed blijft staan i.v.m. de notariële akte
- 15) Brief minister mr. J.P.H. Donner, notarisambt, dd 7 Februari 2006
- 16) Blanco (tussen)-blad
- 17) Staat van de Europese Unie, 29 201, nr 10, Tweede Kamer vergaderjaar 2003-2004
- 18) OSCE-toespraak Nederland, Rita Verdonk dd, 13 September 2004, mensenrechten en
- 19) anti-racisme, PC.DEL/811/04
- 20) Resolutie Europees Parlement, "Het Europese geweten en het totalitarisme", 2010/C 137 E /05
- 21) Blanco (tussen)-blad

- 22) Tractatenblad,2005,nr 46,bestrijding van strafbare feiten verbonden aan elektronische netwerken,betreffende strafbaarstelling van handelingen racistische of xenofobische aard
- 23) Blanco (tussen)-blad
- 24) United Nations General Assembly,A/RES/53/144, 8 Maart 1999 (English version)
- 25) Blanco (tussen)-blad
- 26) Formulier "De Europese Ombudsman",klacht betreffende wanbeheer der Raad van de Europese Unie,Brussel,Belgie
- 27) Blanco (sluit)-blad
- 28) Blanco (eind)-blad (glossy fotopapier)

EXTRA BIJLAGEN:

(zeven extra bijlagen)

- 1) Schriftelijke klacht schending Uniewaarden,dd, 3 oktober 2011,tegen Raad van de Europese Unie,Brussel Belgie.(formulier wanbeheer Europese ombudsman,in tweevoud)
- 2) Verzoekschrift gericht aan Secretariaat-Generaal van de Raad van de Europese Unie,dd,27 Januari 2009,met aangehecht rapport over lidstaat Nederland.(als pdf-file downloaden rapport:
http://www.archive.org/details/RapportOverNederlandAanDeEuropeseUnie2009_231
- 3) Hate Crimes The Netherlands,impressie van afbeeldingen van Nederlandse internetsite,pijl datum 3 Oktober 2011
- 4) fotokopie van een afschrift van een notariële akte + aanhechtingen door mr. Th. H.J.M. op de Laak,notaris Budel gemeente Cranendonck,dd,27 Juni 2007
- 5) aanbieden valsheidsprocedure bij civiele rechter aan Staat der Nederlanden,dd 8 Februari 2008,(verlenging t/m 27 Maart 2008

- 6) Brief Raad van Toezicht voor de Orde van Advocaten bij de Hoge Raad der Nederlanden, dd, 16 Mei 2008, kenmerk: OZ072 2007/2008 ab/az, inzake geen advocaat tegen de Staat der Nederlanden. (verstekprocedure tegen de Staat bij civiele rechter). Een executoriale titel in dit geval moet alleen door de rechter, en mag op deze akte niet door de notaris worden afgegeven als Eerste Grosse "In naam der Koningin"
- 7) formulier Europese Ombudsman jegens Raad van de Europese Unie, wegens schending Uniewaarden.



IFUD of Human Rights

De voorzitter

J.P. van den Wittenboer

[schriftelijke correspondentie te richten aan: IFUD of Human Rights, T.a.v.: de Voorzitter, J.P. van den Wittenboer, Kastanje 28, 5731NK MIERLO NEDERLAND]



**RAAD VAN DE
EUROPESE UNIE**

SECRETARIAAT-GENERAAL

Juridische Dienst

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Brussel, 11 februari 2009

SSS9/01932

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Po. box 324
NL- 5660AH Geldrop

Ter attentie van de heer J.P. van den Wittenboer, Voorzitter

Geachte heer,

Wij hebben uw brief van 27 januari 2009 en de bijlagen daarbij goed ontvangen.

U verwijst daarin naar artikel 7 van het Verdrag betreffende de Europese Unie, en met name het eerste lid daarvan. Die bepaling verleent evenwel geen recht van initiatief aan de Raad van de Europese Unie, die de erin neergelegde bevoegdheden slechts kan uitoefenen op voorstel van eenderde van de lidstaten, het Europees Parlement of de Commissie.

Wij sturen u dan ook uw documentatie terug, zodat u die desgewenst nog passend kunt gebruiken.

Hoogachtend,

Thérèse BLANCHET
Hoofd van de Eenheid Coördinatie
Juridische dienst



Europese Ombudsman

Afdeling Juridische zaken
Directeur

Joannes Petrus VAN DEN WITTENBOER
Kastanje 28
5731 NK GELDROP-MIERLO
PAYS-BAS

Straatsburg, 11/10/2011
Ontvangstbevestiging

Geachte heer / mevrouw,

Ik schrijf u om u te laten weten dat uw klacht van 03/10/2011 het Bureau van de Europese Ombudsman heeft bereikt op 06/10/2011 en het registratienummer **2013/2011/OV** heeft gekregen. Uw klacht zal door dhr. Olivier Verheecke (tel. +32 (0)2.284.20.03).

Op de achterzijde van deze brief vindt u een informatieve nota over de behandeling van uw klacht en de regels ten aanzien van de bescherming van persoonsgegevens die de Ombudsman toepast wanneer hij klachten behandelt.

Ik zou ook uw aandacht willen trekken op het feit dat bij de Ombudsman ingediende klachten de vastgestelde termijnen voor een beroep in administratieve of gerechtelijke procedures niet schorsen. (Artikel 2(6) van het Statuut van de Europese Ombudsman).

Hoogachtend,

João Sant'Anna
Hoofd afdeling Juridische zaken



P. Nikiforos Diamandouros
Europese Ombudsman

De heer Joannes-Petrus van den Wittenboer
IFUD of Human Rights
Kastanje 28
NL - 5731 NK Mierlo
PAYS - BAS

ifudofhumanrights@yahoo.com

Straatsburg, 21-10-2011

Klacht 2013/2011/OV

Geachte heer van den Wittenboer,

Ik antwoord op uw schrijven van 3 oktober 2011, waarin u een klacht indient over het antwoord van de Raad van de Europese Unie van 11 februari 2009 op uw brief van 27 januari 2009 in verband met een inbreuk op de waarden van de Europese Unie ("Uniewaarden").

Het Verdrag betreffende de werking van de Europese Unie en het Statuut van de Europese Ombudsman bevatten bepaalde voorwaarden voor het instellen van een onderzoek door de Ombudsman. Een van deze voorwaarden luidt:

Artikel 2, lid 4 van het Statuut van de Europese Ombudsman:

"De klacht moet zijn ingediend binnen twee jaar na de datum waarop degene die de klacht indient, in kennis is gesteld van de feiten die aan de klacht ten grondslag liggen."

Na zorgvuldige bestudering van uw klacht blijkt dat niet aan deze voorwaarde is voldaan, aangezien u uw klacht heeft ingediend meer dan twee jaar nadat u kennis nam van de brief van de Raad van 11 februari 2009. Ik moet u daarom tot mijn spijt mededelen dat ik uw klacht niet in behandeling kan nemen.



Ik kan u spijtig genoeg niet verder helpen in deze zaak.

Hoogachtend,

P. Nikiforos Diamandouros

INTERNET

<http://ifudofhumanrights.webs.com/>

BIJLAGEN (CD-rom):

rapporten, onderzoeken, brieven.

[met uitdrukkelijke vermelding dat het afschrift van een notariële akte door de notaris voorzien van zijn handtekening onder ambtseed gezet leidend is. Het afschrift van de notariële akte een leidende rol blijft spelen in alle nog te verrichten toekomstige onderzoeken, tot het moment van verklaring onjuistheid of valsheid, middels “valsheidsprocedure” voor de civiele rechter.]

